

WORKSHOP AGENDA
HUNTINGTON BEACH PLANNING COMMISSION
THURSDAY, APRIL 26, 2007
9:00AM-2:00PM
JR. GUARD HEADQUARTERS, 103 PACIFIC COAST HWY
HUNTINGTON BEACH, CA 92648

CALL PLANNING COMMISSION WORKSHOP TO ORDER

ROLL CALL: *Shier-Burnett, Speaker, Livengood, Scandura, Horgan, Dwyer, Farley*

PUBLIC COMMENTS

I. ZUCKER REPORT PRESENTATION AND DISCUSSION – 9:00-10:00 AM

II. PROCESSING IMPROVEMENTS AND FUTURE CHANGES – 10:00-11:00 AM

A) Department Review Process – Building, Fire, Planning, Public Works.

BREAK – 11:00-11:15 AM

III. COMMISSION GOALS – 11:15 AM-12:00 PM

GREEN BUILDING PRESENTATION BY SHANDRA KROUT/LUNCH – 12:00-1:00 PM

IV. PLANNING COMMISSION TRAINING ITEMS – 1:00-2:00 PM

A) Parking in Lieu Fees

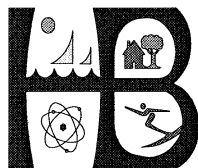
B) Nexus for Findings

C) Reading Blue Prints

D) Project Modifications/Redesign

ADJOURNMENT

Adjourn to the next regularly scheduled meeting of May 8, 2007.



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: Chair and Planning Commission

VIA: Scott Hess, Director of Planning

FROM: Herb Fauland, Acting Planning Manager *HF BY RR*

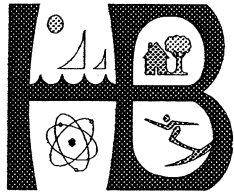
SUBJECT: **DEVELOPMENT REVIEW PROCESS IMPROVEMENTS**

DATE: April 26, 2007

Attached please find two Planning Department memorandums pertaining to development review process improvements provided as background material for the workshop topic.

ATTACHMENTS:

1. Memorandum dated Nov. 22, 2006
2. Memorandum dated Dec. 18, 2006



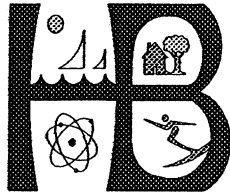
CITY OF HUNTINGTON BEACH
Inter Office Communication
Planning Department

TO: Mayor and City Council Members
VIA: Penelope Culbreth-Graft, City Administrator
FROM: Scott Hess, Acting Director of Planning *[Signature]*
DATE: November 22, 2006
SUBJECT: DEVELOPMENT REVIEW PROCESS IMPROVEMENTS

In the past few months, the Planning Department has made several changes to its permit process to improve the efficiency of the development review process. They include the following:

- There is currently a full-time supervisor of counter operations and plan check (up until a few months ago there was only a part-time supervisor).
- Established time expectations for staff performance of processing Administrative Permits as well as entitlements scheduled for the Zoning Administrator and Planning Commission.
- Prepared additional staff reports for Planning Commission Study Sessions in compliance with the adopted Planning Commission Project Review Process.
- Updated public informational handouts about the permit review process.
- More Planning Department documents have been made available on the City's website. These include the City's General Plan, Zoning Map, and Specific Plans.
- Instituted a customer sign-in process at Planning and Zoning Counter for tracking of time spent assisting customers and type of requests for future reference.
- Met with Council Members and their appointed Planning Commissioner and provided information about Planning Department projects.
- Two staff planners have been hired and currently in process of recruiting two more planners to fill vacant positions.


c: Paul Emery, Deputy City Administrator; Herb Fauland, Acting Planning Manager; Executive Team; Development Assistance Team.



CITY OF HUNTINGTON BEACH
Inter Office Communication
Planning Department

TO: Mayor and City Council Members

VIA: Penelope Culbreth-Graft, City Administrator

FROM: Scott Hess, Acting Director of Planning 

DATE: December 18, 2006

SUBJECT: PROPOSED CHANGES TO THE DEVELOPMENT REVIEW PROCESS
TO IMPROVE CUSTOMER SERVICE

The following ideas are intended to improve customer service, application completeness, development review efficiency, and provide clarity and predictability in terms of timeline and expectations from the development review process. Many of these items have already been discussed with staff and can be accomplished within the next couple of months.

PRE-APPLICATION PROCESS:

- Begin offering appointments for application screening and submittals. Currently all applicants must wait at the Planning Counter to submit their application request which can sometimes take 45 minutes to an hour. By offering appointments, there is predictability in the amount of time needed to file applications. In addition, all departments could be invited to the meeting so the applicant can receive a thorough review of their application at time of submittal thereby reducing the possibility of an incomplete application file. There will be no fee for this service.
- Offer more opportunities for applicants to present their projects before the Development Assistance Team (DAT) in advance of filing their application. DAT would be able to provide preliminary recommendations to the applicant on a broader basis than currently utilized. In addition, written responses and staff's opinion of the proposal would be considered at these meetings.
- Evaluate and update the application submittal requirements list for efficiency purposes. The list could be evaluated and possibly redesigned to be more project specific (this was a recommendation by the Chamber of Commerce). It could identify what items must be submitted at various stages of the review process. The amount of information and detail required for application submittal would be re-assessed to determine if it is excessive, adequate, or insufficient for processing purposes.
- Develop a processing schedule for distribution to the public which includes a schedule of Design review Board, Zoning Administrator and Planning Commission hearing dates.

- In addition to providing applicants the basic application submittal requirements, staff could start offering a copy of the City's plan check list based on the type of project. This would provide applicants the opportunity to better understand the code provisions that staff reviews for compliance with the code.
- Continue to update and expand the number of informational handouts for better explanation of the permit process. These would describe each major process, its purposes, timelines, and requirements.

APPLICATION PROCESSING:

- Revise application initial response letter once an application is received by the Planning Department to include anticipated processing and hearing dates.
- Distribute plans to other Departments on the same day or following day from submittal date.
- Evaluate CityView for project tracking information between departments. There are currently two to three different work programs in place – look for one universal tracking system.
- Utilize Development Assistance Team for joint review by all departments within three weeks of application submittal. This meeting could identify code issues and allow for solutions to be addressed. DAT would meet at least twice a month to discuss project conditions. Applicant would be invited to attend.
- Expand number of standardized templates for Planning Commission staff reports. This will improve efficiency and consistency between staff reports.
- Evaluate internal review times of staff reports.

IMPROVE CUSTOMER SERVICE:

- Expand role of project planner concept to include managing the project from start to completion.
- Expand notification of the Planning Department's second opinion program.
- Continue comprehensive training of staff in areas of zoning code and subdivision requirements, and State Law (e.g., California Environmental Quality Act, Coastal Act, urban design principles, FEMA, and Uniform Building Code).
- Continue to expand the amount of information available on the Planning Department's website. Add the Department's processing handouts to the website. Consider including a link to some of Economic Development Department's downloadable documents such as "How to do Business in Huntington Beach."
- Evaluate the Design Review Board's process, code provisions, and Board membership. Compare the responsibilities of the DRB with other cities comparable in size.
- Automate existing Planned Sign Programs to make them more accessible to the public.

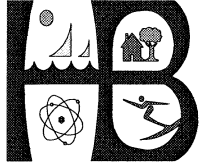
- Create a Huntington Beach Development Guide for applicants.

Many of these improvements are in progress. As soon as the Zucker Report which is evaluating the permitting process is completed, staff will assess those recommendations and make further improvements to the development review and permitting process.

Process improvement is continuous. As the City moves forward to implement the Council adopted Strategic Plan Goals and improve the efficiency of the development review process, management staff will continue to foster a work culture that encourages creativity, teambuilding, process improvement, and quality customer service.

If you have any suggestions or questions, please contact me at 536-5554.

c: Paul Emery, Deputy City Administrator
Executive Team
Development Assistance team
Herb Fauland, Acting Planning Manager
Mary Beth Broeren, Principal Planner



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: Chair and Planning Commission

VIA: Scott Hess, Director of Planning

FROM: Herb Fauland, Acting Planning Manager *HF BY RP*

SUBJECT: **PLANNING COMMISSION GOALS AND OBJECTIVES**

DATE: April 26, 2007

Attached please find the most recently approved Planning Commission goals and objectives provided as background material for the workshop topic.

ATTACHMENTS:

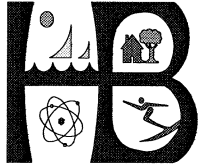
1. Planning Commission Goals and Objectives revised Feb. 13, 2002

HUNTINGTON BEACH PLANNING COMMISSION GOALS & OBJECTIVES FOR 2002

(REVISED FEBRUARY 13, 2002)

1. FOCUS ON REDEVELOPING HUNTINGTON CENTER AND THE EDINGER CORRIDOR.
2. FROM INCEPTION, ENCOURAGE PARTICIPATION OF THE PLANNING COMMISSION IN THE DEVELOPMENT REVIEW OF MAJOR PROJECTS.
3. REVIEW THE GOALS AND IMPLEMENTATION MEASURES FOR THE NEIGHBORHOOD PRESERVATION PROGRAM ON AN ANNUAL BASIS.
4. DEVELOP METHODS TO UPGRADE AND IMPROVE DETERIORATED COMMERCIAL SHOPPING CENTERS. THINK ABOUT IDEAS TO ADDRESS THIS ISSUE WHEN ENTITLEMENTS ARE APPROVED WITH THE ANTICIPATION THAT IN 20-30 YEARS THE DEVELOPMENT WILL DETERIORATE AND NEED REMODELING.
5. UPDATE QUARTERLY THE LIST OF PENDING ZONING TEXT AMENDMENTS.
6. EVALUATE EXISTING DEVELOPMENT STANDARDS IN EXISTING, DEVELOPED AREAS THAT ARE BEGINNING TO RECYCLE. CONSIDER MAINTAINING EXISTING BUILDING SETBACKS (IF IN AREAS WHERE BUILDINGS TYPICALLY HAVE GREATER SETBACKS) VERSUS CODE ALLOWED SETBACKS.
7. ENCOURAGE MEETINGS WITH THE APPLICANT, PROPERTY OWNER(S), PUBLIC AND PLANNING COMMISSION IN THE CONCEPTUAL PLANNING OF MAJOR PROJECTS TO IDENTIFY ISSUES AND DEVELOP CONSENSUS.
8. THE CHAIR AND VICE CHAIR SHALL MEET WITH THE MAYOR ON A REGULAR BASIS TO DISCUSS ISSUES OF MUTUAL INTEREST BETWEEN THE PLANNING COMMISSION AND THE CITY COUNCIL.

ATTACHMENT NO. 1



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: Chair and Planning Commission

VIA: Scott Hess, Director of Planning

FROM: Herb Fauland, Acting Planning Manager *HF BY PR*

SUBJECT: **PARKING IN-LIEU FEES**

DATE: April 26, 2007

Attached please find background information on parking in-lieu fees for the discussion on the workshop topic. Staff will be providing an overview of the materials and will be available to answer questions on the subject.

ATTACHMENTS:

1. Huntington Beach Zoning and Subdivision Ordinance Section 231.10 (Parking In-Lieu Payments within Downtown Specific Plan Area)
2. In-Lieu Parking Fee Collection Process memo dated Oct. 17, 1996
3. Parking In-Lieu Fee Program – Table of Participants dated April 2007
4. Request for Council Action dated Nov. 6, 2002 – Implementation Strategy of the Downtown Parking In-Lieu Fee Program

ATTACHMENT 1

2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

- A. The Zoning Administrator may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02, 3677-12/04)
 1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)
 2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)
 3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)
- B. The Zoning Administrator may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02, 3677-12/04)

231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area



Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

231.12 Parking Spaces for the Handicapped

New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

ATTACHMENT NO. 1.1

ATTACHMENT 2



CITY OF HUNTINGTON BEACH

INTER-DEPARTMENT COMMUNICATION

TO: Community Development Department
Economic Development Department
Public Works Department
City Treasurer

FROM: Ray Silver, Assistant City Administrator *RS*

DATE: October 17, 1996

SUBJECT: **IN-LIEU PARKING FEE - COLLECTION PROCESS**

The following procedure policy shall apply for the collection of the In-Lieu Parking Fee. The policy is intended to structure a process, clarify the roles of the applicable city departments and augment Resolutions Nos. 6720, 6721 and 268 (see Attached) adopted by the City Council/Redevelopment Agency. Please assure that your staff understands and abides by this process. The following shall be the process:

1. *A CUP shall be approved by the Planning Commission for participation in the In-Lieu Parking Fee Program. The CUP request shall be accompanied with a draft participation agreement/covenant with the affected property owner.*
2. *If approved by the Planning Commission for participation in the program, the final draft agreement/covenant is submitted to and approved by the City Attorney's Office for form and content. The final executed document is recorded with the County of Orange and a copy is submitted to the Community Development Department for inclusion in the CUP file prior to issuance of a Certificate of Occupancy or Building Permit whichever occurs first.*
3. *In the case of Redevelopment Agency financial participation, the Agency shall process the request for the Agency's financial participation and present it to the Agency for consideration. If the Redevelopment Agency approves the request to participate, a Financial Participation Agreement shall be prepared by the City Attorney and the final executed agreement shall be recorded by the City Clerk with the County of Orange. A copy of the recorded document shall be forwarded to the Community Development Department for inclusion in the conditional use permit file prior to issuance of a certificate of occupancy or building permit, whichever occurs first.*

4. *A copy of any applicable recorded document shall be provided to the City Treasurers Office and Administrative Services Department for the collection process. The property owner's name, address and telephone number, the total in-lieu fee and any payment schedule if applicable shall be logged into the collection system.*
5. *An In-Lieu Parking Fee Program account has been established. The account is R-CB-3-31-00-ED-810. All fees collected shall be deposited in the account and used only for creating opportunities for additional parking (e.g., valet parking, re-stripping, etc.) or construction of surface or structured parking in the Downtown Parking Master Plan area.*
6. *The property owner shall be responsible to make the lump sum payment, first installment payment and any subsequent installment payment. Initial payment shall be made prior to issuance of Certificate of Occupancy or Building Permit whichever occurs first. Installment payments shall be received prior to the anniversary date.*
7. *All payments shall be made directly to the City Treasurer's Office. Proof of payment (receipt) shall be required and submitted to the Community Development Department prior to issuance of Certificate of Occupancy or Building Permit whichever occurs first. This initial payment date becomes the anniversary date for future installment payments. All receipts from yearly installment payments shall be forwarded to the Community Development Department for inclusion in the file. The Administrative Services Department in conjunction with the City Treasurer's Office shall set up the invoice system to provide yearly notification, along with late payment interest amounts. Any partial payment or non-payment will be forwarded to Community Development for revocation (CUP) processing.*
8. *The City Treasurer's Office in conjunction with the Administrative Services Department shall generate a yearly comprehensive report of In-Lieu Parking Fee participants, payments made, and any outstanding balance. The report shall be distributed to the applicable departments.*

Attachments: Resolution No. 6720
Resolution No. 6721
Resolution No. 268

RESOLUTION NO. 6720

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING AN IN-LIEU PARKING FEE FOR
THE DOWNTOWN SPECIFIC PLAN

WHEREAS, the Downtown Specific Plan provides parking requirements for new commercial uses, or if 50% or more of an existing non-conforming structure is demolished and reconstructed, the parking requirement may be met by payment of an "in-lieu" fee; and

The City Council of the City of Huntington Beach has determined that an in-lieu parking fee is necessary for implementation of the Downtown Specific Plan to facilitate vehicular traffic and pedestrian movement, and opportunities for additional parking in the future,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1. That pursuant to Section 4.2.01(d) and Section 4.2.13(c) of the Downtown Specific Plan, and Section 231.10 of the Huntington Beach Zoning and Subdivision Ordinance, the City Council hereby establishes a parking in-lieu fee of \$12,000.00 per parking space for creating opportunities for additional parking (e.g., valet, re-striping, etc.) or construction of surface or structured parking in the Downtown Specific Plan area.


SECTION 2. That the fee as established herein shall be automatically adjusted on July 1st of each year by the amount of percentage increase or decrease in the most recent annual Consumer Price Index for Los Angeles-Anaheim-Riverside, All Urban Consumers.

SECTION 3. That all revenue collected from the in-lieu fee parking program shall be deposited in a separate fund by the City Treasurer. All such revenue shall be used only for creating opportunities for additional parking as noted above.

SECTION 4. That the participation in the In-Lieu Parking Fee Program shall be permitted only in conjunction with the implementation measures of the In-Lieu Parking Fee Implementation Plan as established by City Council Resolution.


SECTION 5. That City Council Resolution No. 6522, and all other resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of November 1995.



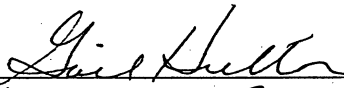
Mayor

ATTEST:



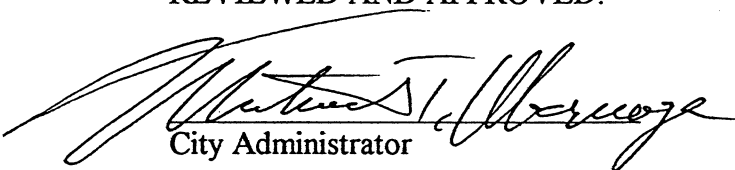
City Clerk

APPROVED AS TO FORM:



City Attorney
Oct 9-25-95 PE 9/25/95

REVIEWED AND APPROVED:



City Administrator

INITIATED AND APPROVED:



Director of Community Development

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on the 20th of November, 1995 the following vote:

AYES: Councilmembers: Harman, Bauer, Sullivan, Leipzig, Dettloff,

NOES: Councilmembers: Green, Garofalo

ABSENT: Councilmembers: None

Connie Brockway

City Clerk and ex-officio Clerk of the
City Council of the City of Huntington
Beach, California

RESOLUTION NO. 6721

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING AN IMPLEMENTATION PLAN
FOR THE ESTABLISHED IN-LIEU PARKING FEE

WHEREAS, the Downtown Specific Plan provides that parking requirements may be met by payment of an "in-lieu" fee pursuant to Section 4.2.01(d), Section 4.2.13(c), and Section 231.10 of the Huntington Beach Zoning and Subdivision Ordinance; and

The City Council of the City of Huntington Beach has established an in-lieu parking fee by Resolution No. 6522 for implementation of the Downtown Specific Plan to facilitate traffic and pedestrian movement, and future opportunities for additional parking; and

A plan for implementation and allocation of the fee is necessary to effectuate the program,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1.

- (A) That the in-lieu parking fee has been established by the City Council. The fee shall be \$12,000.00 per parking space. The fee may be paid in a lump sum, or paid by annual installment payments over a 15-year period (\$800.00 per year per space, adjusted annually as described in Resolution No. 6720).
- (B) That any private property owner who requests to participate in the In-Lieu Parking Fee Program shall submit an application for a conditional use permit, which shall be presented to the Planning Commission for review and approval. The

conditional use permit application shall request the establishment of the proposed use, indicate the number of parking spaces required for the proposed use, and the proposed extent of participation in the In-Lieu Parking Fee Program.

- (C) That the conditional use permit application shall be accompanied with a draft In-Lieu Parking Fee Agreement/Covenant specifying the total number of parking spaces required, the amount of spaces to be provided by payment of the in-lieu fee, the total in-lieu fee payment, the proposed payment schedule if applicable, the mechanism to secure subsequent annual payments (for instance, a bond or a secured lien recorded against the property), and any other terms and conditions. If the conditional use permit is approved, the Agreement/Covenant shall be reviewed and approved as to form and content by the City Attorney's Office and then recorded with the County of Orange. The Agreement/Covenant shall be recorded with the property and run with the land unless otherwise modified by the City. A copy of the recorded document shall be submitted to the Community Development Department for inclusion in the subject file prior to issuance of a Certificate of Occupancy or building permit, whichever occurs first.

- (D) That if the conditional use permit application is approved, the private property owner may submit a written request for financial participation to the Redevelopment Agency. The Economic Development Department shall process the request for the Agency's financial participation and present it to the Agency for consideration. The Redevelopment Agency may or may not agree to provide

financial participation. If the Redevelopment Agency agrees to financially participate, the percentage of financial participation shall be included, along with any other terms and conditions, in a Financial Participation Agreement between the private property owner and the Agency. A copy of the Financial Participation Agreement shall be submitted to the Community Development Department for inclusion in the conditional use permit file prior to issuance of a certificate of occupancy or building permit, whichever occurs first.

- (E) That payment of the in-lieu fee shall be the responsibility of the private property owner. The in-lieu parking fee shall apply only to private property, not public property.
- (F) That in the event of installment payments, the first payment shall be paid by the private property owner prior to issuance of a certificate of occupancy or building permit, whichever occurs first. Subsequent payments may be made on an annual basis upon the one-year anniversary of the first payment. Payments shall be received no later than 30 days after the due date. Failure to pay in a timely manner may result in revocation of the conditional use permit and foreclosure upon the security mechanism as provided in the In-Lieu Parking Fee Covenant. Notification to the private property owner of each annual payment shall be provided by the City Treasurer.

- (G) That all fees collected from the property owner shall be deposited in a separate fund by the City Treasurer. The funds shall be used only for creating opportunities for additional parking (e.g., valet, re-striping, etc.) or construction of surface or structured parking in the Downtown Specific Plan area.
- (H) That subsequent to conditional use permit approval for participation in the In-Lieu Parking Fee Program, a change of use located on the same parcel or within the same suite may only be permitted if the approved number of parking spaces does not increase.

SECTION 2. That implementation of the In-Lieu Parking Fee Program shall be the responsibility of the Community Development Department. If the Redevelopment Agency approves a financial participation agreement, the Agency shall provide all documents necessary to effectuate its participation and forward the documents to the Community Development Department for inclusion in the conditional use permit file.

SECTION 3. That the Director of Community Development or his/her assignee is authorized to execute all necessary documents (unless otherwise noted) to effectuate the above implementation measures and the In-Lieu Parking Fee Program.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of November 1995.

Victor Tupy
Mayor

ATTEST:

Connie Brockway
City Clerk

APPROVED AS TO FORM:

Paul Hutton
City Attorney
9-25/95 Glt
see 9/25/95

REVIEWED AND APPROVED:

William Tillberg
City Administrator

INITIATED AND APPROVED:

Melanie Freer
Director of Community Development

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on the 20th of November, 1995 the following vote:

AYES: Councilmembers: Harman, Bauer, Sullivan, Leipzig, Dettloff,

NOES: Councilmembers: Green, Garofalo

ABSENT: Councilmembers: None

Connie Brockway

City Clerk and ex-officio Clerk of the
City Council of the City of Huntington
Beach, California

RESOLUTION NO. 268

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
HUNTINGTON BEACH REPEALING RESOLUTION NO. 253, AND PROVIDING
NEW GUIDELINES FOR CONSIDERATION OF FINANCIAL PARTICIPATION IN THE
IN-LIEU PARKING FEE PROGRAM

WHEREAS, the Redevelopment Agency has previously adopted a resolution concerning participation in the Interim Parking Fee Program in the City of Huntington Beach; and

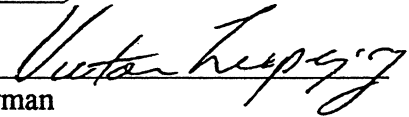
The Agency now desires to adopt new guidelines concerning its participation in the Program,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of Huntington Beach as follows:


SECTION 1. That the Redevelopment Agency shall consider participation in the In-Lieu Parking Fee Program on a case-by-case basis. If the Agency decides to participate in a project, it shall pay one-half (1/2) of the in-lieu parking fee.

SECTION 2. That Resolution No. 253 and all other resolutions in conflict herewith are hereby repealed.


PASSED AND ADOPTED by the Redevelopment Agency of the City of Huntington Beach at a regular meeting thereof held on the 20TH day of NOVEMBER, 1995.


Chairman

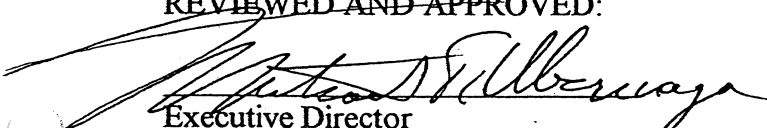
ATTEST:


Agency Clerk

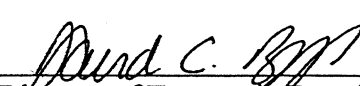
APPROVED AS TO FORM:


for Agency Attorney 11/14/95

REVIEWED AND APPROVED:


Executive Director

INITIATED AND APPROVED:


Director of Economic Development


STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, Clerk of the Redevelopment Agency of the City of Huntington Beach, California, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Redevelopment Agency of the City of Huntington Beach at a meeting of said Redevelopment Agency held on the 20th day of November, 1995, and that it was so adopted by the following vote:

AYES: Members:
 Harman, Bauer, Sullivan, Leipzig, Dettloff,

NOES: Members:
 Green, Garofalo

ABSENT: Members:
 None



Clerk of the Redevelopment Agency
of the City of Huntington Beach, Ca.

ATTACHMENT 3

PARKING IN-LIEU FEE PROGRAM

(Updated April 2007)

	Address	Property Owner	Number of Spaces	Fees (\$)
1	101 Main	Abdelmuti	12	72,000
2	120 Main	Wang	12	4,800
3	126 Main	Zeidan	2	24,000
4	126 Main	Zeidan	6	79,562
5	200 Main, # 100	Koury	18	108,000
6	200 Main, # 116	Koury	19	263,536
7	201 Main	Caverly	41	41,000
8	209 Main	Gallagher	4	25,673
9	209 Main	Gallagher	17	112,713
10	209 Main	Gallagher	1	14,106
11	211 Main, #B	Harlow	21	21,000
12	221 Main	Trainer	38	38,000
13	221 Main	Trainer	23	23,000
14	221 Main, #A & B	Trainer	4	48,000
15	221 Main, #F	Trainer	4	4,000
16	221 Main, #F	Trainer	10	10,000
17	221 Main, #F	Trainer	4	24,000
18	428 Main	Koury	1	14,106
19	303 Third	Trainer	9	54,000
20	303 Third	Trainer	3	36,720
21	214 Fifth	Koury	11	171,196
22	201 Main, #E	Caverly	2	32,817
Total			262 spaces	1,222,229

ATTACHMENT 4

Council/Agency Meeting Held: _____	City Clerk's Signature
Deferred/Continued to: _____	
<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Conditionally Approved <input type="checkbox"/> Denied	
Council Meeting Date: November 6, 2002	Department ID Number: PL02-23

CITY OF HUNTINGTON BEACH REQUEST FOR COUNCIL ACTION

SUBMITTED TO: HONORABLE MAYOR AND CITY COUNCIL MEMBERS

SUBMITTED BY: RAY SILVER, City Administrator *RS*

PREPARED BY: HOWARD ZELEFSKY, Director of Planning *HZ*
 DAVID BIGGS, Director of Economic Development/Deputy Executive Director *DB*

SUBJECT: APPROVE IMPLEMENTATION STRATEGY OF THE DOWNTOWN
 PARKING IN LIEU FEE PROGRAM

Statement of Issue, Funding Source, Recommended Action, Alternative Action(s), Analysis, Environmental Status, Attachment(s)

Statement of Issue:

In October 1993, the City Council adopted Resolution No. 6522 establishing the City's Downtown Parking In Lieu Fee Program allowing downtown property owners the ability to pay a fee in lieu of providing on-site parking. In November 1995, the City Council repealed Resolution No. 6522 and adopted Resolution Nos. 6720 and 6721 clarifying the process, responsibilities, and implementation of the program.

As the program enters its seventh year under the current resolutions and nine years overall, the City has approved a total of 244 parking spaces equating to almost \$1 million in fees to be paid over time. Due to the increased number of parking spaces requested over the past few years and the surpassing of 200 spaces in the program, staff is seeking City Council direction on the use of the fees and future of the program. Alternatives for use of the fees have been provided for City Council consideration.

Funding Source: Not applicable.

ATTACHMENT NO. 4.1

F-6

REQUEST FOR COUNCIL ACTION

MEETING DATE: November 6, 2002

DEPARTMENT ID NUMBER: PL02-23

Recommended Action:

Motion to:

"Direct staff to continue administering the parking in lieu fee program while implementing one or more of the following strategies for the use of the fees:

1. Increase by approximately 26 spaces the capacity of the subterranean parking structure proposed as part of The Strand project (Blocks 104/105) by negotiating with CIM developers.
2. "Direct staff to amend the Downtown Specific Plan/Parking Master Plan to allow for the development of a surface parking lot at First Street and Atlanta Avenue."
3. "Direct staff to implement the acquisition of land in the Downtown Parking Master Plan boundary for purposes of land banking for future parking opportunities."
4. "Direct staff to investigate providing additional on-street parking by restriping and/or reorienting existing parking spaces and/or closing existing driveways."

Alternative Action(s):

"Direct staff to continue supporting requests by downtown property owners for participation in the Downtown Parking In Lieu Fee program and collection of parking in lieu fees until further direction by City Council."

Analysis:

Background

The Downtown Specific Plan (adopted 1983) and the Huntington Beach Zoning and Subdivision Ordinance (ZSO) include provisions for payment of parking in-lieu fees when property owners are not able to meet on-site parking requirements. Resolution No. 6522 adopted in October 1993 established the parking in-lieu fee at \$400 per space per year for 15 years for certain properties within the Downtown Parking Master Plan area. Property owners had the ability to pay the fee over a fifteen year period with the Redevelopment Agency contributing matching funds (\$6,000 per space) for a total payment of \$12,000 per space (\$800/year @ 15 years). Later in March of 1994, the Redevelopment Agency approved Resolution No. 253 establishing nine implementation measures for the Parking In-Lieu Fee. The measures identified the fee, process, payment schedule, responsibilities, and use of the In-Lieu Fee.

F-6.2

REQUEST FOR COUNCIL ACTION

MEETING DATE: November 6, 2002

DEPARTMENT ID NUMBER: PL02-23

In November 1995, the City Council repealed the resolutions and adopted new resolutions (No. 6720, 6721) clarifying the process, responsibilities and implementation for participation in the program. This was done, in part, due to the Redevelopment Agency's inability or decision not to participate in the program often due to lack of funds needed to match the property owners contribution. Also, since the existing resolution only identified certain properties in the downtown, the new resolution allowed anyone in the master plan area the ability to participate in the program. The new resolution clarified the implementation measures including clearly stipulating property owner/Redevelopment Agency participation, timing and type of entitlements, payment schedules, penalties for non-payment, security mechanisms for future payments, and collection and use of the fees.

The revised resolutions clearly identified the process for participation, responsibilities of the parties involved and use of the fee. Please refer to Attachment No. 4 (Resolution No. 6720 & 6721) for the existing list of the eight implementation measures. In conjunction with the two new resolutions, the Redevelopment Agency adopted Resolution No. 268 approving guidelines for participation concerning its financial participation in the program, and repealing Resolution No. 253.

Parking In Lieu Fee Program

The Downtown Parking In Lieu Fee Program allows property owners to pay an in lieu fee when unable to provide the required number of parking spaces on site. The request to participate in the program requires concurrent approval of a conditional use permit for the establishment of a new use or intensification of an existing use that is not identified in the Downtown Parking Master Plan. Each property in the parking master plan has been designated for a specific land use and a specific amount of floor area. If a property owner proposes to exceed or intensify the use designated for the property, the property owner can either provide parking on-site, request to participate in the in-lieu fee program, or request a parking variance.

Over the years, the majority of property owners have participated in the program by paying the fee over 15 years in lieu of providing the required parking on-site. There were few that have paid the fee in one lump sum. All of the participants were required to receive approval of a conditional use permit by the Planning Commission to participate in the program in conjunction with the establishment or change of use. To date, all requests for participation in the program have been approved. As a side note, the City does not collect interest on remaining balances for those participants paying fees over 15 years nor are the fees collected if the project does not proceed.

Current Status of Program

Of the almost \$1 million approved in the Downtown Parking In Lieu Fee Program, the City has collected approximately \$340,000. The difference will be collected over the 15-year periods specified in the individual agreements between the City and participants. The City Treasurer monitors the collection of the annual payments by mailing invoices to property

REQUEST FOR COUNCIL ACTION

MEETING DATE: November 6, 2002

DEPARTMENT ID NUMBER: PL02-23

owners in advance of the payment due date. The Treasurer's office has indicated that there are no delinquent parking in lieu fee accounts.

Since the inception of the program in 1993, there have been different fee amounts approved for each agreement. For example, several Owner Participation Agreements (OPA) allowed several downtown property owners to pay a \$1,000 per space parking in-lieu fee, while others paid \$6,000 per space. The City's Redevelopment Agency also satisfied prior obligations to provide or pay for 18 spaces related to the Town Square project. Thirty additional on-street parking spaces were constructed on Fifth Street during the development of Plaza Almeria. The 12-space surplus also met the Agency's shared parking obligation for the establishment of BJ's Pizza (200 Main) and 24 Hr. Fitness (303 Third). Presently, the Redevelopment Agency has no further obligation in regard to the parking in-lieu fee program.

The present fee (effective July, 2002) is \$14,106.15 per space and increases or decreases annually based on the consumer price index (CPI). The following table identifies the property owners that have participated in the Parking In Lieu Fee Program together with the number of spaces and fees. A list of property owners, total fee amount, costs per space, and remaining balances is also included for your review (Attachment No. 2).

	Address	Property Owner	Number of Spaces	Fees (\$)
1.	101 Main	Abdelmuti	12	72,000
2.	120 Main	Wang	12	4,800
3.	126 Main	Zeidan	2	24,000
4.	126 Main	Zeidan	6	79,562
5.	200 Main, #100	Koury	18	108,000
6.	200 Main, #116	Koury	19	263,536
7.	201 Main	Caverly	41	41,000
8.	209 Main	Gallagher	4	25,673
9.	209 Main	Gallagher	17	112,713
10.	211 Main, #B	Harlow	21	21,000
11.	221 Main	Trainer	38	38,000
12.	221 Main	Trainer	23	23,000
13.	221 Main, #A & B	Trainer	4	48,000
14.	221 Main, #F	Trainer	4	4,000
15.	221 Main, #F	Trainer	10	10,000
16.	428 Main	Koury	1	14,106
17.	303 Third	Trainer	9	54,000
18.	303 Third	Trainer	3	36,720
TOTAL			244 spaces	\$980,110

Although the City could potentially collect up to \$1 million in fees, not all projects have been completed. In fact, some of the approved projects may never proceed. As a result, the City has not assumed the collection of all fees. To understand the value of fees that will actually be collected over the next 15 years (without the benefit of an interest charge), the Economic Development Department analyzed the amount of fees with an eight percent (8%) net

REQUEST FOR COUNCIL ACTION

MEETING DATE: November 6, 2002

DEPARTMENT ID NUMBER: PL02-23

present value. The analysis concluded that although \$500,000 would be collected over the next 15 years, it would only result in a net present value of approximately \$300,000.

Alternative Strategies for Consideration

With constant requests to participate in the program, staff believes it is essential that the City Council provide direction on the use of the fees. Plans for the Strand project proposed on Blocks 104/105 include a two level subterranean parking structure with approximately 400 parking stalls. The two levels encompass nearly the entire site with the possibility to add an estimated 30 spaces per level for a total of 60 spaces.

The Development and Disposition Agreement (DDA) contains language for the possible addition of parking in the structure at the City's expense. It is estimated that each space will cost \$25,000. Utilizing the currently available \$340,000, the City could afford to pay for only 14 additional spaces. Assuming there was a funding source identified to advance the \$300,000 net present value of the future fees to be collected, another 12 spaces could be funded for a total of 26 spaces. By utilizing the in-lieu fees to pay for the increased buildout of the subterranean parking structure, the City could increase the parking inventory by approximately 26 spaces. Although contingent on the construction of the project, staff believes that it would be prudent to explore this opportunity to use the fees for the incremental cost of adding spaces to the proposed parking structure.

Another strategy involves the City acquiring properties for sale in the Downtown Parking Master Plan area for the purpose of land banking for future parking opportunities. This involves the purchase of small 25 ft. wide lots for future construction of surface parking lots if determined necessary. The purpose of the survey was to determine the feasibility in utilizing the fees to acquire land for future surface parking lots. The survey conducted in late September identified 25 vacant (or underutilized) properties and/or those currently for sale (Attachment No. 7). A summary list on each of the 25 parcels is provided for your information.

The survey included a review of two recent appraisals and comparable sales done on properties in the downtown area. To provide an indication of scale, the land value for parcels in the downtown area range between \$112 and \$140 per square foot. As such, a typical 25-foot wide parcel would sell for between \$300,000 and \$350,000. A lot of this size could possibly accommodate 6-9 spaces depending on the configuration of the lot and setback and landscape requirements. Larger parcels or acquisition of adjacent parcels may produce a more efficient layout. In summary, acquisition costs alone prior to improvement costs seem to be in excess of \$35,000 per space. As such, surface parking lots other than those where the City or Agency already owns the sites, seems to be an undesirable option.

Another strategy involves investigating the potential for providing additional on-street parking spaces by restriping and reorientating existing parking spaces and/or closing

REQUEST FOR COUNCIL ACTION

MEETING DATE: November 6, 2002

DEPARTMENT ID NUMBER: PL02-23

existing driveways. The Departments of Planning and Public Works could analyze potential driveway closures in the master plan to provide additional on-street parking stalls. In addition, the Public Works Traffic Division may conduct traffic studies to consider possible opportunities to restripe parallel stalls to angled stalls if certain street segments warranted one-way only traffic patterns. This would probably involve analyzing a larger area than the Downtown Parking Master Plan.

Another alternative is to consider an amendment to the Downtown Specific Plan/Parking Master Plan to allow for the construction of a surface parking lot at the corner of First Street and Atlanta Avenue. The City-owned lot could potentially provide up to 30 parking spaces. If considered feasible, staff would analyze the potential costs associated with improving the vacant parcel and maintaining a paved parking area for either the general public or possibly restricting the lot for employees only. With City Council direction, staff could further analyze these options.

Summary

Staff requests City Council direction on the use of the parking in-lieu fees by exploring one or more of the aforementioned strategies. Should the City Council direct staff to continue to implement the program without a strategy for use of the fees, staff will continue to process requests for participation in the program and collect fees until further directed by the City Council.

Environmental Status: Not applicable.

Attachment(s):

City Clerk's Page Number	No.	Description
7	1.	Downtown Parking Master Plan Area Map
9	2.	Parking In Lieu Fee Analysis with Participant information
11	3.	Planning Department Policy Memo PP-68
14	4.	Resolution Nos. 6720, 6721 and 268
26	5.	Downtown Specific Plan Section 4.2.14 (The Downtown Parking Master Plan)
31	6.	Huntington Beach Zoning and Subdivision Ordinance Section 231.10
33	7.	Downtown Property Survey Plan/Summary – Oct. 7, 2002

RCA Author: Wayne Carvalho/Herb Fauland

F-6.6

F-6.7

ATTACHMENT 1

ATTACHMENT NO. 4.7

LEGEND

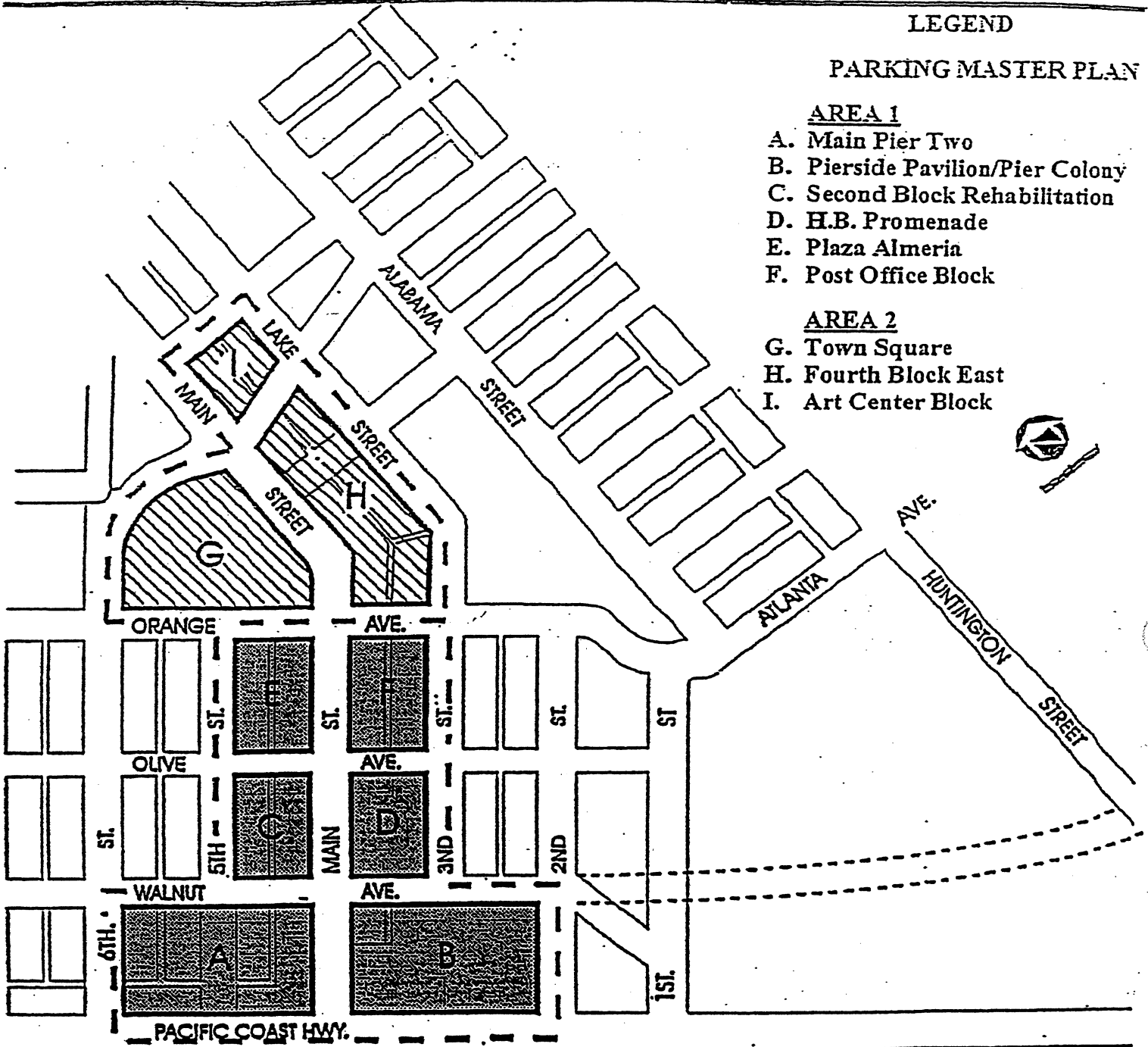
PARKING MASTER PLAN

AREA 1

- A. Main Pier Two
- B. Pierside Pavilion/Pier Colony
- C. Second Block Rehabilitation
- D. H.B. Promenade
- E. Plaza Almeria
- F. Post Office Block

AREA 2

- G. Town Square
- H. Fourth Block East
- I. Art Center Block



F-6.8

F-6.9

ATTACHMENT 2

ATTACHMENT NO. 4.9

DOWNTOWN IN-LIEU PARKING FEES Analysis

F-6.10

ITEM	ADDRESS	PROPERTY OWNER	SPACES	COST PER SPACE	TOTAL COST TO PROPERTY OWNER	STATUS/COMMENTS	COLLECTED	BALANCE DUE PER CONTRACT	DELINQUENT PAYMENTS	POTENTIAL \$ AFTER PERMITS
Payments Paid in Full (Obligation Satisfied)										
1	101 Main Street	Abdelmuli	12	6,000.00	72,000.00	Paid in Full 12/1/93	\$ 72,000.00	\$ -		
2	120 Main Street	Wang*	12	12,000.00	4,800.00	No further oblig. due to DPMP**	\$ 4,800.00	\$ -		
3	201 Main Street	Caverly	41	1,000.00	41,000.00	Paid in Full 8/93	\$ 41,000.00	\$ -		
4	221 Main Street	Trainer	38	1,000.00	38,000.00	Paid in Full by Facade Grant 94	\$ 38,000.00	\$ -		
5	221 Main Street	Trainer	23	1,000.00	23,000.00	Paid in Full 4/4/95	\$ 23,000.00	\$ -		
6	221 Main Street, F	Trainer	4	1,000.00	4,000.00	Paid in Full 7/7/97	\$ 4,000.00	\$ -		
7	221 Main Street, F	Trainer	10	1,000.00	10,000.00	Paid in Full 2/8/96	\$ 10,000.00	\$ -		
	Sub-total		140		\$ 192,800.00		\$ 192,800.00	\$ -		
Annual Payments Currently Being Received (15 year agreements)										
8	200 Main Street, 100	Koury*	18	12,000.00	108,000.00	Paid \$82,800 as of 7/22/02	\$ 64,800.00	\$ 43,200.00	\$ -	
9	211 Main Street, B	Harlow	21	1,000.00	21,000.00	Paid \$8,400 as of 3/15/02	\$ 8,400.00	\$ 12,600.00	\$ -	
10	221 Main Street, A & B	Trainer	4	12,000.00	48,000.00	Paid \$22,400 as of 3/8/02	\$ 22,400.00	\$ 25,600.00	\$ -	
11	303 3rd Street	Trainer*	9	12,000.00	54,000.00	Paid \$28,800 as of 9/13/02	\$ 28,800.00	\$ 25,200.00	\$ -	
12	303 3rd Street	Trainer	3	12,240.00	36,720.00	Paid \$14,688 as of 3/5/02	\$ 14,688.00	\$ 22,032.00	\$ -	
13	209 Main Street	Gallagher	4	6,418.38	25,673.54	Paid \$3,423.14 as of 2/20/02	\$ 3,423.14	\$ 22,250.40	\$ -	
14	126 Main Street	Zeldan	2	12,000.00	24,000.00	Paid \$1,600 as of 10/23/02	\$ 1,600.00	\$ 22,400.00	\$ -	
	Sub-total		61		\$ 317,393.54		\$ 144,111.14	\$ 173,282.40	\$ -	
	Total Collected		201		\$ 510,193.54	***	\$ 336,911.14	\$ 173,282.40		
Payments Pending Issuance of Building Permits										
15	209 Main Street	Gallagher	17	6,630.19	112,713.23	Permit not issued	\$ -			\$ 112,713.23
16	126 Main Street	Zeldan	6	13,260.38	79,562.28	Third Floor Unoccupied	\$ -			\$ 79,562.28
17	200 Main Street, 116	Koury	19	13,870.35	263,536.65	Permit not issued	\$ -			\$ 263,536.65
18	428 Main Street	Koury	1	14,106.15	14,106.15	Permit not issued/1 lump sum reqd	\$ -			\$ 14,106.15
	Sub-total		43		\$ 469,918.31		\$ -			\$ 469,918.31
	Totals		244		\$ 980,111.85	***	\$ 336,911.14	\$ 173,282.40		\$ 980,111.85

* Agency obligated for 50%

** Mechanical Lien for Equipment Filed 3/17/94 for \$67,200

*** Excludes Agency monetary obligation due to 5th St. restriping of 30 spaces (18 spaces for Town Square, 12 of 13.5 spaces for Items 3 & 11)

ATTACHMENT NO. 4.10

F-6.11

ATTACHMENT 3

ATTACHMENT NO. 4.11



CITY OF HUNTINGTON BEACH
INTER-DEPARTMENT COMMUNICATION

TO: Community Development Department
Economic Development Department
Public Works Department
City Treasurer

FROM: Ray Silver, Assistant City Administrator *RS*

DATE: October 17, 1996

SUBJECT: IN-LIEU PARKING FEE - COLLECTION PROCESS

The following procedure policy shall apply for the collection of the In-Lieu Parking Fee. The policy is intended to structure a process, clarify the roles of the applicable city departments and augment Resolutions Nos. 6720, 6721 and 268 (see Attached) adopted by the City Council/Redevelopment Agency. Please assure that your staff understands and abides by this process. The following shall be the process:

1. *A CUP shall be approved by the Planning Commission for participation in the In-Lieu Parking Fee Program. The CUP request shall be accompanied with a draft participation agreement/covenant with the affected property owner.*
2. *If approved by the Planning Commission for participation in the program, the final draft agreement/covenant is submitted to and approved by the City Attorney's Office for form and content. The final executed document is recorded with the County of Orange and a copy is submitted to the Community Development Department for inclusion in the CUP file prior to issuance of a Certificate of Occupancy or Building Permit whichever occurs first.*
3. *In the case of Redevelopment Agency financial participation, the Agency shall process the request for the Agency's financial participation and present it to the Agency for consideration. If the Redevelopment Agency approves the request to participate, a Financial Participation Agreement shall be prepared by the City Attorney and the final executed agreement shall be recorded by the City Clerk with the County of Orange. A copy of the recorded document shall be forwarded to the Community Development Department for inclusion in the conditional use permit file prior to issuance of a certificate of occupancy or building permit, whichever occurs first.*

4. *A copy of any applicable recorded document shall be provided to the City Treasurers Office and Administrative Services Department for the collection process. The property owner's name, address and telephone number, the total in-lieu fee and any payment schedule if applicable shall be logged into the collection system.*
5. *An In-Lieu Parking Fee Program account has been established. The account is R-CB-3-31-00-ED-810. All fees collected shall be deposited in the account and used only for creating opportunities for additional parking (e.g., valet parking, re-stripping, etc.) or construction of surface or structured parking in the Downtown Parking Master Plan area.*
6. *The property owner shall be responsible to make the lump sum payment, first installment payment and any subsequent installment payment. Initial payment shall be made prior to issuance of Certificate of Occupancy or Building Permit whichever occurs first. Installment payments shall be received prior to the anniversary date.*
7. *All payments shall be made directly to the City Treasurer's Office. Proof of payment (receipt) shall be required and submitted to the Community Development Department prior to issuance of Certificate of Occupancy or Building Permit whichever occurs first. This initial payment date becomes the anniversary date for future installment payments. All receipts from yearly installment payments shall be forwarded to the Community Development Department for inclusion in the file. The Administrative Services Department in conjunction with the City Treasurer's Office shall set up the invoice system to provide yearly notification, along with late payment interest amounts. Any partial payment or non-payment will be forwarded to Community Development for revocation (CUP) processing.*
8. *The City Treasurer's Office in conjunction with the Administrative Services Department shall generate a yearly comprehensive report of In-Lieu Parking Fee participants, payments made, and any outstanding balance. The report shall be distributed to the applicable departments.*

Attachments: Resolution No. 6720
Resolution No. 6721
Resolution No. 268

F-6.14

ATTACHMENT 4

ATTACHMENT NO. 4.14

RESOLUTION NO. 6720

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING AN IN-LIEU PARKING FEE FOR
THE DOWNTOWN SPECIFIC PLAN

WHEREAS, the Downtown Specific Plan provides parking requirements for new commercial uses, or if 50% or more of an existing non-conforming structure is demolished and reconstructed, the parking requirement may be met by payment of an "in-lieu" fee; and

The City Council of the City of Huntington Beach has determined that an in-lieu parking fee is necessary for implementation of the Downtown Specific Plan to facilitate vehicular traffic and pedestrian movement, and opportunities for additional parking in the future,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1. That pursuant to Section 4.2.01(d) and Section 4.2.13(c) of the Downtown Specific Plan, and Section 231.10 of the Huntington Beach Zoning and Subdivision Ordinance, the City Council hereby establishes a parking in-lieu fee of \$12,000.00 per parking space for creating opportunities for additional parking (e.g., valet, re-striping, etc.) or construction of surface or structured parking in the Downtown Specific Plan area.

SECTION 2. That the fee as established herein shall be automatically adjusted on July 1st of each year by the amount of percentage increase or decrease in the most recent annual Consumer Price Index for Los Angeles-Anaheim-Riverside, All Urban Consumers.

SECTION 3. That all revenue collected from the in-lieu fee parking program shall be deposited in a separate fund by the City Treasurer. All such revenue shall be used only for creating opportunities for additional parking as noted above.

SECTION 4. That the participation in the In-Lieu Parking Fee Program shall be permitted only in conjunction with the implementation measures of the In-Lieu Parking Fee Implementation Plan as established by City Council Resolution.

SECTION 5. That City Council Resolution No. 6522, and all other resolutions in conflict herewith are hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of November 1995.

Vester Hays Jr.
Mayor

ATTEST:

Connie Brockway
City Clerk

APPROVED AS TO FORM:

Eric Heller
City Attorney
PC 9-25-95

REVIEWED AND APPROVED:

William T. Hargrove
City Administrator

INITIATED AND APPROVED:

Melanie S. Lee
Director of Community Development

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on the 20th of November, 1995 the following vote:

AYES: Councilmembers: Harman, Bauer, Sullivan, Leipzig, Dettloff,
NOES: Councilmembers: Green, Garofalo
ABSENT: Councilmembers: None

Connie Brockway

City Clerk and ex-officio Clerk of the
City Council of the City of Huntington
Beach, California

F-6.17

RESOLUTION NO. 6721

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF HUNTINGTON BEACH
ADOPTING AN IMPLEMENTATION PLAN
FOR THE ESTABLISHED IN-LIEU PARKING FEE

WHEREAS, the Downtown Specific Plan provides that parking requirements may be met by payment of an "in-lieu" fee pursuant to Section 4.2.01(d), Section 4.2.13(c), and Section 231.10 of the Huntington Beach Zoning and Subdivision Ordinance; and

The City Council of the City of Huntington Beach has established an in-lieu parking fee by Resolution No. 6522 for implementation of the Downtown Specific Plan to facilitate traffic and pedestrian movement, and future opportunities for additional parking; and

A plan for implementation and allocation of the fee is necessary to effectuate the program,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Huntington Beach as follows:

SECTION 1.

- (A) That the in-lieu parking fee has been established by the City Council. The fee shall be \$12,000.00 per parking space. The fee may be paid in a lump sum, or paid by annual installment payments over a 15-year period (\$800.00 per year per space, adjusted annually as described in Resolution No. 6720).
- (B) That any private property owner who requests to participate in the In-Lieu Parking Fee Program shall submit an application for a conditional use permit, which shall be presented to the Planning Commission for review and approval. The

conditional use permit application shall request the establishment of the proposed use, indicate the number of parking spaces required for the proposed use, and the proposed extent of participation in the In-Lieu Parking Fee Program.

- (C) That the conditional use permit application shall be accompanied with a draft In-Lieu Parking Fee Agreement/Covenant specifying the total number of parking spaces required, the amount of spaces to be provided by payment of the in-lieu fee, the total in-lieu fee payment, the proposed payment schedule if applicable, the mechanism to secure subsequent annual payments (for instance, a bond or a secured lien recorded against the property), and any other terms and conditions. If the conditional use permit is approved, the Agreement/Covenant shall be reviewed and approved as to form and content by the City Attorney's Office and then recorded with the County of Orange. The Agreement/Covenant shall be recorded with the property and run with the land unless otherwise modified by the City. A copy of the recorded document shall be submitted to the Community Development Department for inclusion in the subject file prior to issuance of a Certificate of Occupancy or building permit, whichever occurs first.

- (D) That if the conditional use permit application is approved, the private property owner may submit a written request for financial participation to the Redevelopment Agency. The Economic Development Department shall process the request for the Agency's financial participation and present it to the Agency for consideration. The Redevelopment Agency may or may not agree to provide

F-6.19

financial participation. If the Redevelopment Agency agrees to financially participate, the percentage of financial participation shall be included, along with any other terms and conditions, in a Financial Participation Agreement between the private property owner and the Agency. A copy of the Financial Participation Agreement shall be submitted to the Community Development Department for inclusion in the conditional use permit file prior to issuance of a certificate of occupancy or building permit, whichever occurs first.

- (E) That payment of the in-lieu fee shall be the responsibility of the private property owner. The in-lieu parking fee shall apply only to private property, not public property.
- (F) That in the event of installment payments, the first payment shall be paid by the private property owner prior to issuance of a certificate of occupancy or building permit, whichever occurs first. Subsequent payments may be made on an annual basis upon the one-year anniversary of the first payment. Payments shall be received no later than 30 days after the due date. Failure to pay in a timely manner may result in revocation of the conditional use permit and foreclosure upon the security mechanism as provided in the In-Lieu Parking Fee Covenant. Notification to the private property owner of each annual payment shall be provided by the City Treasurer.

- (G) That all fees collected from the property owner shall be deposited in a separate fund by the City Treasurer. The funds shall be used only for creating opportunities for additional parking (e.g., valet, re-striping, etc.) or construction of surface or structured parking in the Downtown Specific Plan area.
- (H) That subsequent to conditional use permit approval for participation in the In-Lieu Parking Fee Program, a change of use located on the same parcel or within the same suite may only be permitted if the approved number of parking spaces does not increase.

SECTION 2. That implementation of the In-Lieu Parking Fee Program shall be the responsibility of the Community Development Department. If the Redevelopment Agency approves a financial participation agreement, the Agency shall provide all documents necessary to effectuate its participation and forward the documents to the Community Development Department for inclusion in the conditional use permit file.

SECTION 3. That the Director of Community Development or his/her assignee is authorized to execute all necessary documents (unless otherwise noted) to effectuate the above implementation measures and the In-Lieu Parking Fee Program.

PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 20th day of November 1995.

Victor Lopez
Mayor

ATTEST:

Connie Brockway
City Clerk

APPROVED AS TO FORM:

Paul Hutton
City Attorney
9-25/95 *6th* *see 9/25/95*

REVIEWED AND APPROVED:

William Tillberg
City Administrator

INITIATED AND APPROVED:

Melanie Green
Director of Community Development

F-6.22

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a regular meeting thereof held on the 20th of November, 1995 the following vote:

AYES: Councilmembers: Harman, Bauer, Sullivan, Leipzig, Dettloff,

NOES: Councilmembers: Green, Garofalo

ABSENT: Councilmembers: None

Connie Brockway

City Clerk and ex-officio Clerk of the
City Council of the City of Huntington
Beach, California

F-6. 23

RESOLUTION NO. 268

A RESOLUTION OF THE REDEVELOPMENT AGENCY OF THE CITY OF
HUNTINGTON BEACH REPEALING RESOLUTION NO. 253, AND PROVIDING
NEW GUIDELINES FOR CONSIDERATION OF FINANCIAL PARTICIPATION IN THE
IN-LIEU PARKING FEE PROGRAM

WHEREAS, the Redevelopment Agency has previously adopted a resolution concerning
participation in the Interim Parking Fee Program in the City of Huntington Beach; and

The Agency now desires to adopt new guidelines concerning its participation in the
Program,

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of the City of
Huntington Beach as follows:

SECTION 1. That the Redevelopment Agency shall consider participation in the In-Lieu
Parking Fee Program on a case-by-case basis. If the Agency decides to participate in a project, it
shall pay one-half (1/2) of the in-lieu parking fee.

SECTION 2. That Resolution No. 253 and all other resolutions in conflict herewith are
hereby repealed.

PASSED AND ADOPTED by the Redevelopment Agency of the City of Huntington
Beach at a regular meeting thereof held on the 20TH day of NOVEMBER, 1995.

ATTEST:

Connie Brockway
Agency Clerk

REVIEWED AND APPROVED:

William D. Silbermann
Executive Director

William D. Silbermann
Chairman

APPROVED AS TO FORM:

Rebecca
for Agency Attorney Re 11/14/95

INITIATED AND APPROVED:

David C. BPP
Director of Economic Development

STATE OF CALIFORNIA)
COUNTY OF ORANGE)
CITY OF HUNTINGTON BEACH)

I, CONNIE BROCKWAY, Clerk of the Redevelopment Agency of the City of Huntington Beach, California, DO HEREBY CERTIFY that the foregoing resolution was duly adopted by the Redevelopment Agency of the City of Huntington Beach at a meeting of said Redevelopment Agency held on the 20th day of November, 1995, and that it was so adopted by the following vote:

AYES: Members:
 Harman, Bauer, Sullivan, Leipzig, Dettloff,

NOES: Members:
 Green, Garofalo

ABSENT: Members:
 None

Connie Brockway

Clerk of the Redevelopment Agency
of the City of Huntington Beach, Ca.

F-6.25

G/resoluti/resbkpg2

F-6.26

ATTACHMENT 5

ATTACHMENT NO. 4.26

4.2.14 The Downtown Parking Master Plan

The Downtown Parking Master Plan is based on a shared parking concept. Shared parking in effect allows one (1) parking space to serve two (2) or more individual land uses without conflict. Shared parking relies on the variations in the peak parking demand for different uses. In other words, parking demands will fluctuate in relationship to the mix of uses by hour, day of week, and season. The proper mix will create an interrelationship among different uses and activities which results in a reduction of the demand for parking.

The Downtown core area is centered along the Main Street commercial corridor. This commercial corridor divides into two (2) distinct areas, north and south of Orange. The area which encompasses the Downtown Parking Master Plan is identified on the area map (Figure 4.1).

Area 1 - The area south of Orange Avenue along Main Street provides the greatest amount of public parking opportunities both off-street and on-street. Area 1 has the greatest number of visitor-serving and seasonal commercial uses including year round entertainment. This area also has the greatest concentration of expanded commercial, restaurant and office uses, and therefore, the majority of the public parking spaces are provided in this area.

Expanding commercial activity in this area remains the focus of the Downtown Master Plan, however, no additional parking for new or expanded commercial, restaurant and office uses should be required provided the total square footage and mix of uses do not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

Area 2 - The area north of Orange Avenue along Main Street provides limited amounts of public parking opportunities. This area is still part of the Downtown core. However, the commercial uses in Area 2 cater more to year-round residents, therefore, additional on-street short-term parking is provided. The existing Downtown public parking facilities are not conveniently located for use in this area, thus, a combination of expanded on-street and on-site parking may be necessary for new or expanded commercial uses. The commercial activity remains primarily service-related commercial; the existing supply of on-street and on-site parking should be sufficient for anticipated uses. The mix of commercial and residential activities can justify a parking reduction and additional parking may not be necessary if development does not exceed the Master Plan projections. The city shall retain the option to purchase property for a public parking facility.

City-owned and controlled public parking in the Downtown Parking Master Plan (DPMP) area shall be consistent with the City's certified land use plan. The DPMP is structured to protect beach user parking by providing adequate public parking within the Downtown area. The DPMP encourages the use of the City-owned and controlled parking sites within the DPMP area. To encourage the use of the City-owned public parking facilities, parking controls such as time limits, and parking rates may be adjusted to maintain the desired use of these spaces by patrons and employees of the downtown area. A validation program for the City-owned public parking structure has been established as an incentive for the use of the structure by the patrons and employees of the downtown area. Any changes to the program shall be submitted to the Executive Director to determine if an amendment to the Specific Plan is necessary.

ATTACHMENT NO. 4.27

The Downtown Parking Master Plan anticipates a total development scenario of approximately 715,000 square feet of commercial activity. The DPMP has development thresholds of 144,000 square feet for restaurant, 300,000 square feet for retail, 126,000 square feet for office and 145,000 square feet for miscellaneous development. Area 1 will contain approximately 626,000 square feet of commercial development, with the remaining 89,000 square feet in Area 2. The Planning Department shall be responsible for monitoring the development square footage per land use and the number of parking spaces within the Downtown Parking Master Plan area.

An annual review and monitoring report of the Downtown Parking Master Plan shall be prepared by the Planning Department and presented for review by the Planning Commission and City Council. Following the review by the City Council, the Downtown Parking Master Plan annual review and monitoring report shall be submitted to the Executive Director of the California Coastal Commission for review.

The Downtown Parking Master Plan annual review and monitoring report shall include, at a minimum:

- 1) amount and type of development square footage approved during the annual review period;
- 2) total amount of square footage in the Downtown Parking Master Plan area;
- 3) an inventory of existing parking spaces;
- 4) a parking utilization study;
- 5) an assessment of parking demand compared with parking supply;
- 6) a determination of whether adequate parking remains to serve development allowed up to the total development cap.

If the Downtown Parking Master Plan annual review and monitoring report indicates that the parking supply is inadequate to serve the approved level of development or if the development square footage exceeds the amount described above (up to 715,000 square feet total), all development within the Downtown Parking Master Plan area shall provide parking consistent with Off-Street Parking and Loading Provisions of the Huntington Beach Zoning and Subdivision Ordinance, unless and until new parking to meet the identified demand is approved and constructed.

Changes between one or more of the individual use categories may be allowed as long as the total square footage does not exceed 715,000 square feet, provided there are corresponding changes in the other use categories to assure adequate parking remains.

Parking shall be provided for each Area. If a project is built in Area One that requires more shared parking than is available in Area One, credit from Area Two shall not be used. If a project is built in Area Two that requires more shared parking than is available in Area Two, credit from Area One shall not be used.

Although the Downtown Parking Master Plan distinguishes between the location and type of parking resources available in Area 1 and Area 2, the adjusted parking requirement for both Area 1 and Area 2 is the same (Figure 4.2). The common parking requirement is based on the shared parking concept for the entire master plan area.

Existing and proposed building square footage and uses are parked within the DPMP parking supply as inventoried in the technical background report prepared by Kaku Associates (Sept., 2000), entitled "Downtown Parking Master Plan Update," (Appendix - Existing and Proposed Land Use Analysis Blocks A - I) (Kaku Report.).

Downtown Parking Master Plan Codified Parking Requirements

Land Use	H.B. Zoning and Subdivision Ordinance (Citywide)	Parking Standard (Percent Reduced)
Retail	1:200	1:333 (60%)
Restaurant	1:100	1:100 (0%)
Office	1:250	1:500 (50%)

Note: At any time it deems necessary, the Planning Commission may require additional on-site parking to meet the parking demands generated by a use or development.

Figure 4.2

F-6. 29

Future parking within the DPMP area shall be provided as described in Appendix A of the Kaku Report. Redevelopment of blocks that result in a loss of existing parking shall be phased with the provision of parking such that adequate parking exists within each DPMP area at all times. In the event a property owner demolishes his/her existing building, and rebuilds a new building of equal square footage and use, no additional parking shall be required. Any code required parking spaces provided on-site shall be credited for any expansion of square footage or intensification of use. All required parking shall be calculated based on the reduced requirements of the Downtown Parking Master Plan.

The Planning Commission or City Council may impose one (1), all, or a combination of the following requirements to ensure that adequate parking is provided for each development:

1. Require projects over 30,000 sq. ft. or one-half (1/2) block in size provide 50% of the code-required parking identified in Figure 4.2 on site.
2. Require that any parking in-lieu fees be full cost recovery based on the parking requirement for specific uses. However, allow that these fees be paid over an amortization period, with appropriate security provided by the applicant to guarantee payment.
3. Require valet parking once the maximum build out of restaurant activity has been obtained.
4. Commercial projects greater than 10,000 square feet in size shall be required to submit a parking management plan consistent with the Downtown Parking Master Plan.
5. Require valet and/or remote parking for special events and activities, and during the peak summer season.
6. Require the applicant to provide additional on-site and /or off-site parking for any development.
7. Develop parking options which may generate additional parking for any development.
8. Develop a sign program to direct motorists to primary parking facilities within the Downtown Parking Master Plan.

4.2.15 Landscaping. In addition to City standard landscape plans and specifications, the following shall apply:

- (a) All setback areas fronting on or visible from an adjacent public street, and all recreation, leisure and open space areas shall be landscaped and permanently maintained in an attractive manner and shall be consistent with the adopted Design Guidelines.
- (b) Permanent automatic electric irrigation facilities shall be provided in all landscaped areas.
- (c) On-site trees shall be provided in all developments as follows: One (1) thirty-six (36) inch box tree for each residential unit or for each 2,500 square feet of gross site area for commercial or office space. Alternatively, the equivalent of thirty-six

F-6.³¹

ATTACHMENT 6

ATTACHMENT NO. 4.31

1. The maximum distance between the building or use and the nearest point of the parking spaces or parking facility shall be 250 feet; and (3334-6/97)
2. There shall be no conflict in the operating hours based on parking space requirements for the different uses on the parcel; and (3334-6/97)
3. Evidence of an agreement for such joint use shall be provided by proper legal instrument, approved as to form by the City Attorney. The instrument shall be recorded in the Office of the County Recorder and shall be filed with the City prior to issuance of building permit and/or certificate of occupancy, whichever occurs first. (3334-6/97)

231.08 Reduced Parking for Certain Uses

- A. The Planning Commission may approve a conditional use permit to reduce the number of parking spaces to less than the number required per Schedule "A" in Section 231.04, provided that the following findings are made: (3334-6/97, 3526-2/02)
1. The parking demand will be less than the requirement in Schedule A; and (3334-6/97, 3526-2/02)
 2. The proposed use of the building or structure, will not generate additional parking demand; and (3334-6/97, 3526-2/02)
 3. A Transportation Demand Management plan which exceeds the minimum required by Section 230.36 has been approved by the Director. (3334-6/97)
- B. The Planning Commission may consider survey data prepared by a state-registered traffic engineer and submitted by an applicant or collected at the applicant's request and expense as a basis for approval of a reduction in required parking. (3334-6/97, 3526-2/02)

231.10 Parking In-Lieu Payments Within Downtown Specific Plan Area

Parking requirements for private property uses within the Downtown Specific Plan Area may be met by payment of an "in-lieu" fee for providing parking in a parking facility subject to conditional use permit approval by the Planning Commission. Said fee may be paid in multiple installments. The first installment in an amount established by City Council Resolution for each parking space shall be paid prior to the issuance of building permits or of a certificate of occupancy, whichever comes first. Any successive installments shall be paid and secured by a mechanism established in the conditions of approval. (3334-6/97)

231.12 Parking Spaces for the Handicapped

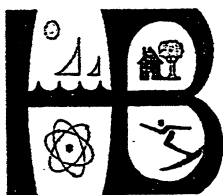
New and existing parking facilities shall comply with the State Handicapped Regulations as mandated in State law. (3334-6/97)

(rest of page not used)

F-6.³³

ATTACHMENT 7

ATTACHMENT NO. 4.33



CITY OF HUNTINGTON BEACH

InterOffice Communication

Economic Development Department

RECEIVED

OCT 07 2002

TO: Howard Zelefsky, Planning Director

FROM: David C. Biggs, Director of Economic Development *DCB*

DATE: October 7, 2002

SUBJECT: DOWNTOWN PROPERTY SURVEY/IN-LIEU PARKING FEES

In order to assist in your evaluation of possible uses of the parking in-lieu fees currently available and to be collected in the future, we have undertaken a survey of vacant and for-sale properties in the Downtown Parking Master Plan Study Area Boundary. This includes Area 1, Area 2 and Area 3 (Periphery). The purpose of this survey is to assist in determining if the accumulated funds might be utilized to acquire land for future surface parking lots.

This survey was undertaken in late September and identified properties which were currently vacant (or underutilized) and/or currently for sale. Attached is a map which identifies 25 parcels in the Study Area Boundary. A summary list is included with basic information about each parcel, plus there is an aerial photo map showing the parcels in greater detail. We did not verify if a surface parking lot would be a permitted use on any of the parcels in the Survey.

Of the parcels for sale, all but one are currently being developed with single-family residential uses which are for sale. There is one parcel for sale which is currently improved with an older tri-plex.

We also reviewed two recent appraisals and the comparable sales done on properties in the Downtown area for the City. In addition, we contacted the listing agent for the one parcel which is for sale and obtained the listing price. To provide an indication of scale, the land value indicated from these sources for parcels in the Downtown range between \$112 and \$140 per square foot. As such, a typical 25-foot by 117-foot parcel would sell for between approximately \$300,000 and \$350,000. A lot of this size could accommodate between 6 and 9 surface spaces depending upon the configuration of the parcel and setback and landscape requirements. Larger parcels or acquisition of adjacent parcels may produce a more efficient layout.

34
F-6.

ATTACHMENT NO. 4.34

Acquisition costs alone, prior to improvement costs, seem to be in excess of \$35,000 per space. As such, surface parking lots other than in those instances where the City or Agency already owns the sites, seems to be an undesirable option.

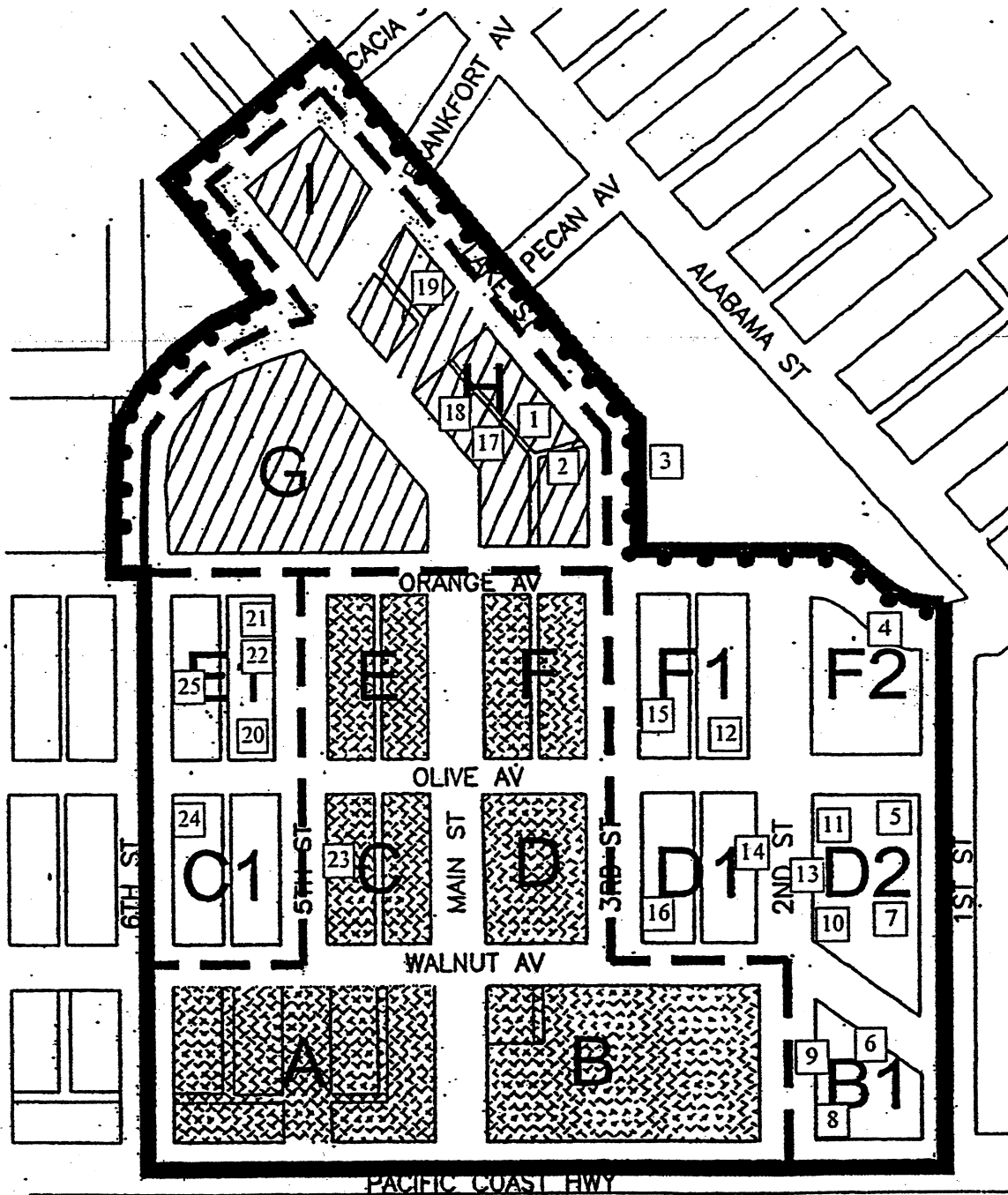
DCB

xc: Amy Bodek, Property Services Manager

F-6³⁵

ATTACHMENT NO. 4.35

DOWNTOWN PROPERTY SURVEY – OCTOBER 2, 2002



LEGEND:

- Downtown Parking Master Plan Boundary
- Study Area Boundary
- Area 1
- Area 2
- Area 3 (Periphery)
- A - Block Identification

..... - G1 (ON-STREET)



NOT TO SCALE

KAKU ASSOCIATES

ATTACHMENT NO. 4.30

F-6.36

DOWNTOWN PROPERTY SURVEY SUMMARY
OCTOBER 2, 2002

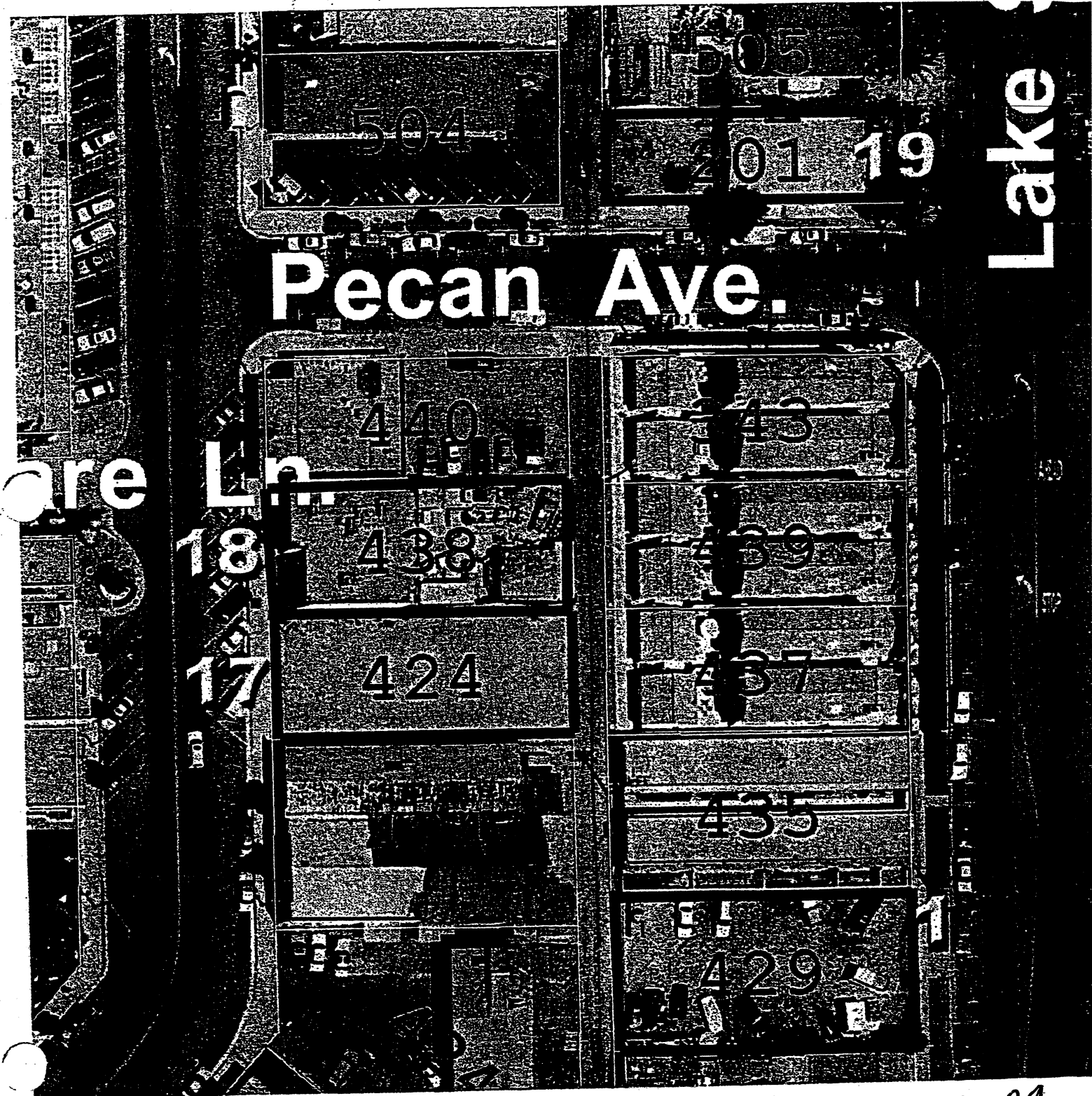
No.	Address	St. Name	Acres	Developed	Land/ Parcel Vacant	APN
1	429	Lake St.	0.169	no	yes	024-134-13
2	417	Lake St.	0.128	no	yes	024-134-15
3	400	Lake St.	0.050	no	yes	024-160-03
4	n/a	Lake St.	0.300+	no	yes	024-207-01
5	235	First St.	0.271	no	yes	024-162-01
6	101	Walnut	0.180	no	yes	024-163-01
7	n/a	First St.	0.557	oil operations	no	024-162-05, 06, -07, -08, 09, -25
8	120	PCH	0.128	vacant commercial building	no	024-163-15
9	116	Second St.	0.134	oil operations	no	024-163-03
10	n/a	Second St.	0.231	oil operations	no	024-162-19, 20
11	238	Second St.	0.064	single family dwelling for sale	no	024-162-29
12	300	Second St.	0.270	two single family dwellings for sale	no	024-164-06, 07
13	n/a	Second St.	0.067	oil operations	no	024-162-13
14	200	Second St.	0.067	oil operations	no	024-165-02
15	314, 312, 310, 302	Third St.	0.344	no	yes	024-164-13, 14, -15, -16
16	210 & 200	Third St.	0.270	no	yes	024-165-12, 13
17	424	Main St.	0.136	no - permits in process	yes	024-134-03
18	438	Main St.	0.134	yes	no	024-134-02
19	203-205	Pecan Avenue	0.096	yes - mult-family dwellings - triplex	no	024-173-03
20	301	Fifth St.	0.123	yes - storage	no	024-142-16
21	300	Fifth St.	0.062	no	yes	024-142-10
22	319	Fifth St.	0.062	no	yes	024-142-22
23	214	Fifth St.	0.123	no	yes	024-147-34
24	n/a	Sixth St.	0.202	two single family dwellings for sale	no	024-146-01
25	314	Sixth St.	0.135	oil operations	no	024-142-05

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ATTACHMENT NO. 4.37

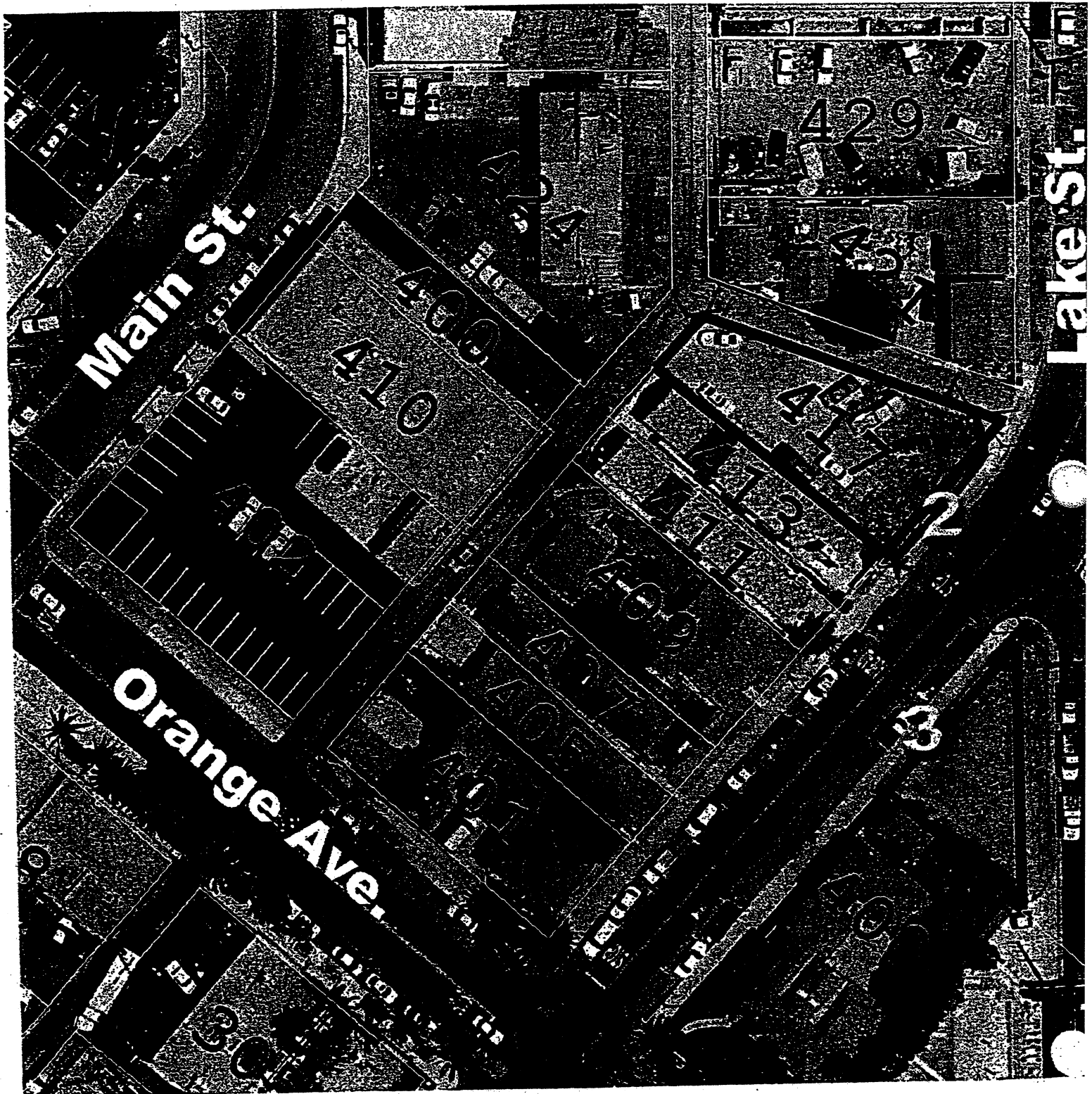


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ATTACHMENT NO. 4.38



F-6³⁹



F-6.40

ATTACHMENT NO. 4.40

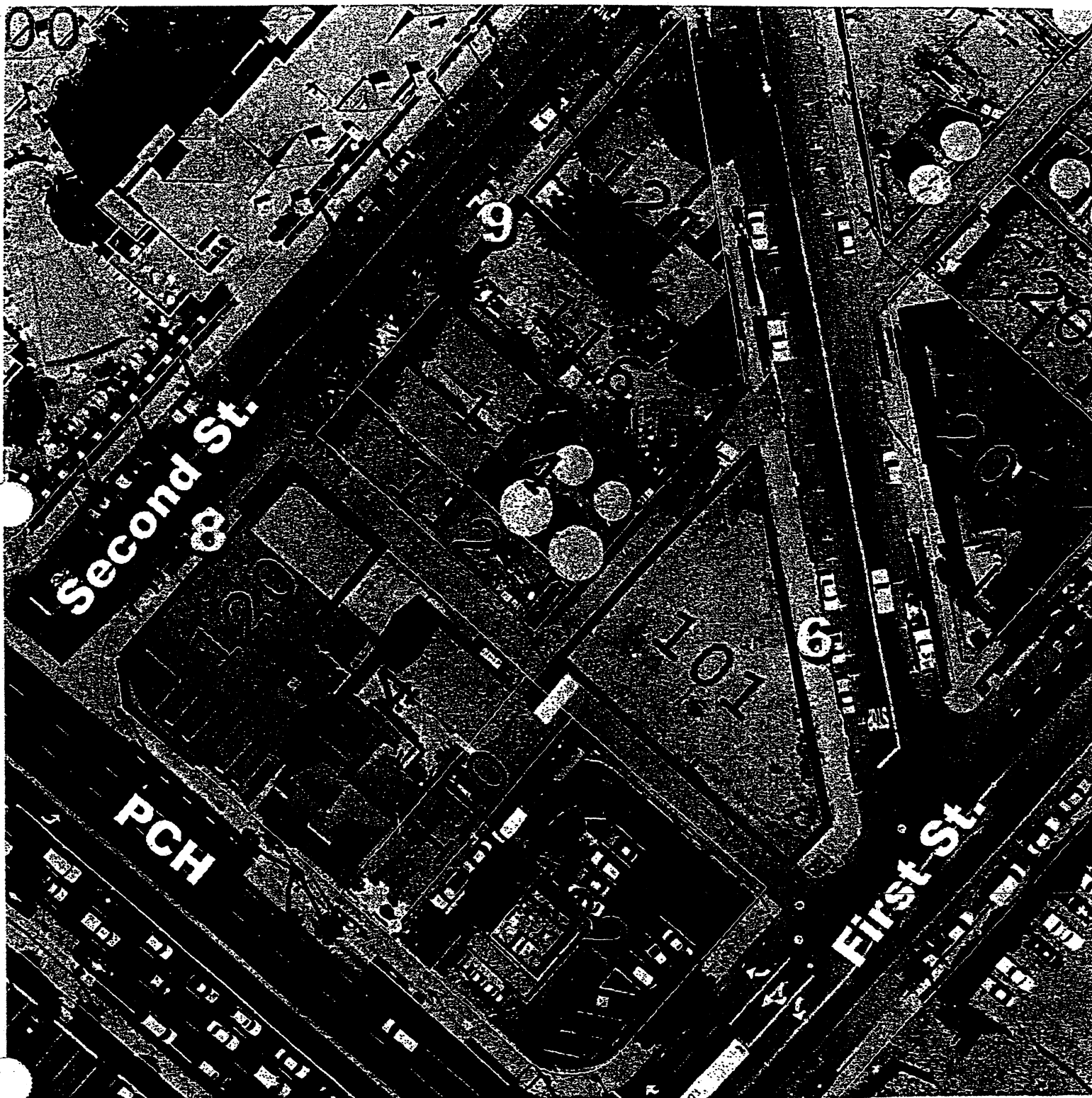


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ATTACHMENT NO. 4.41



F-6.42

ATTACHMENT NO. 442



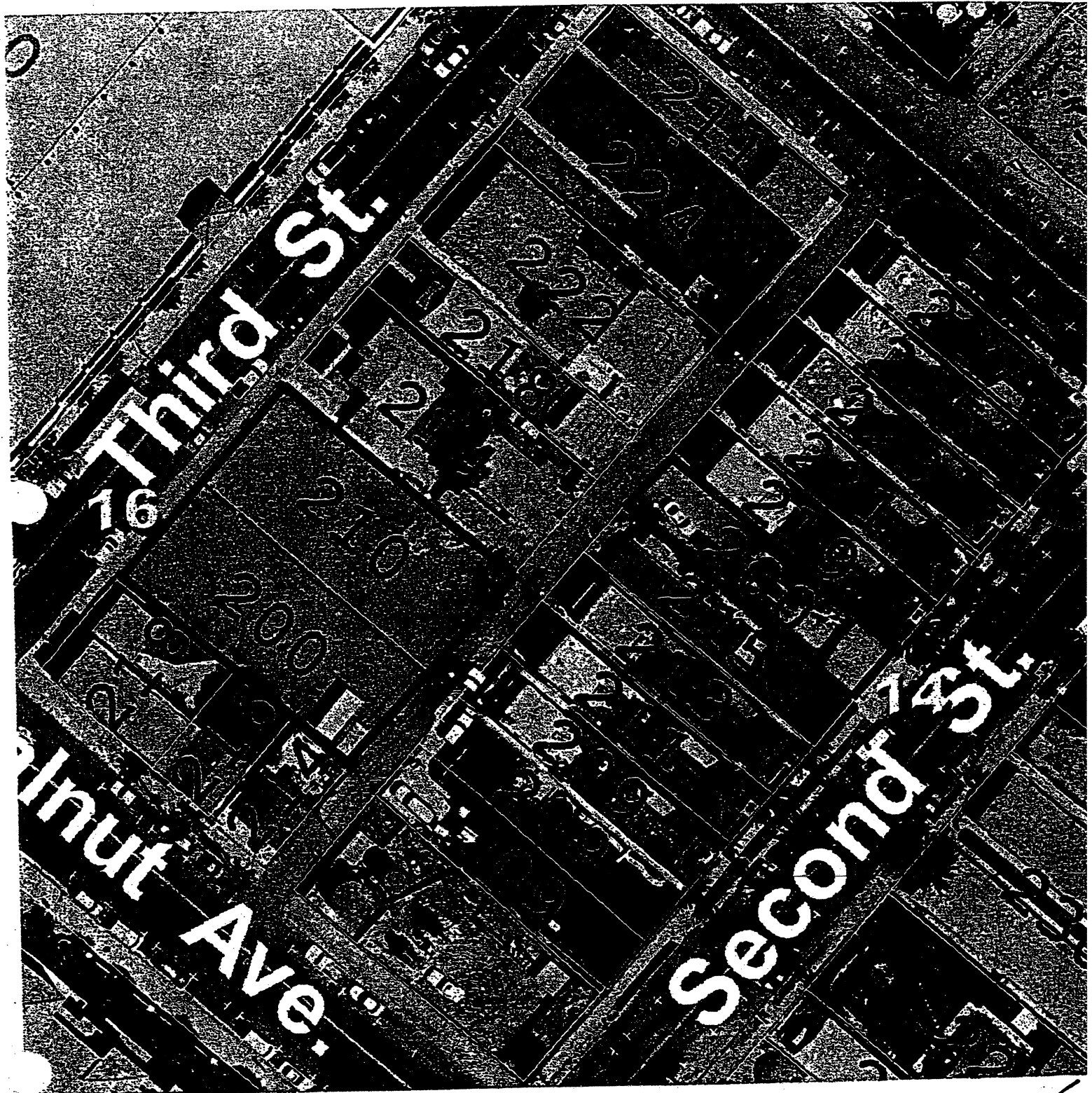
F-6.43

ATTACHMENT NO. 4.43

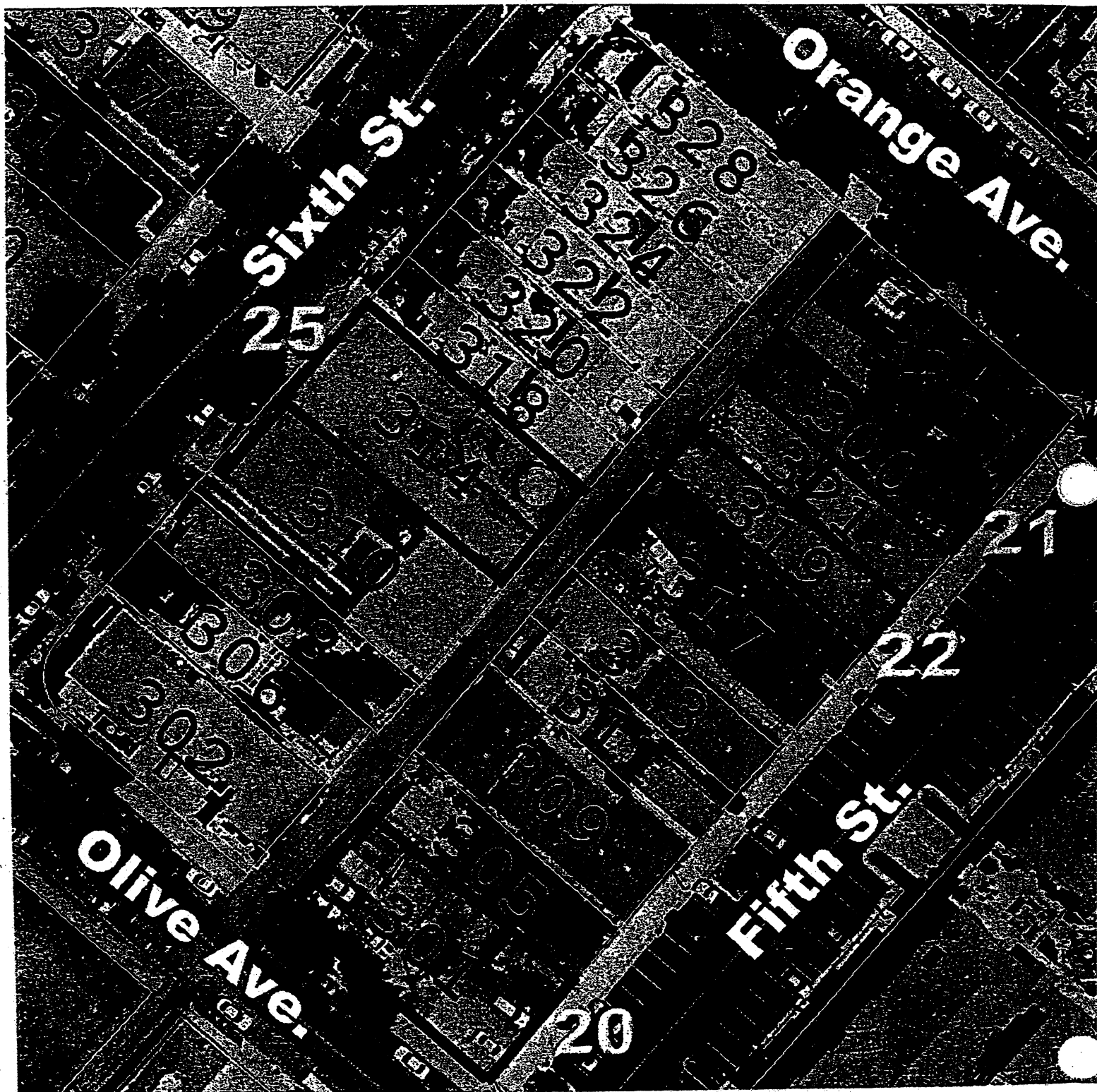


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ATTACHMENT NO. 4.44

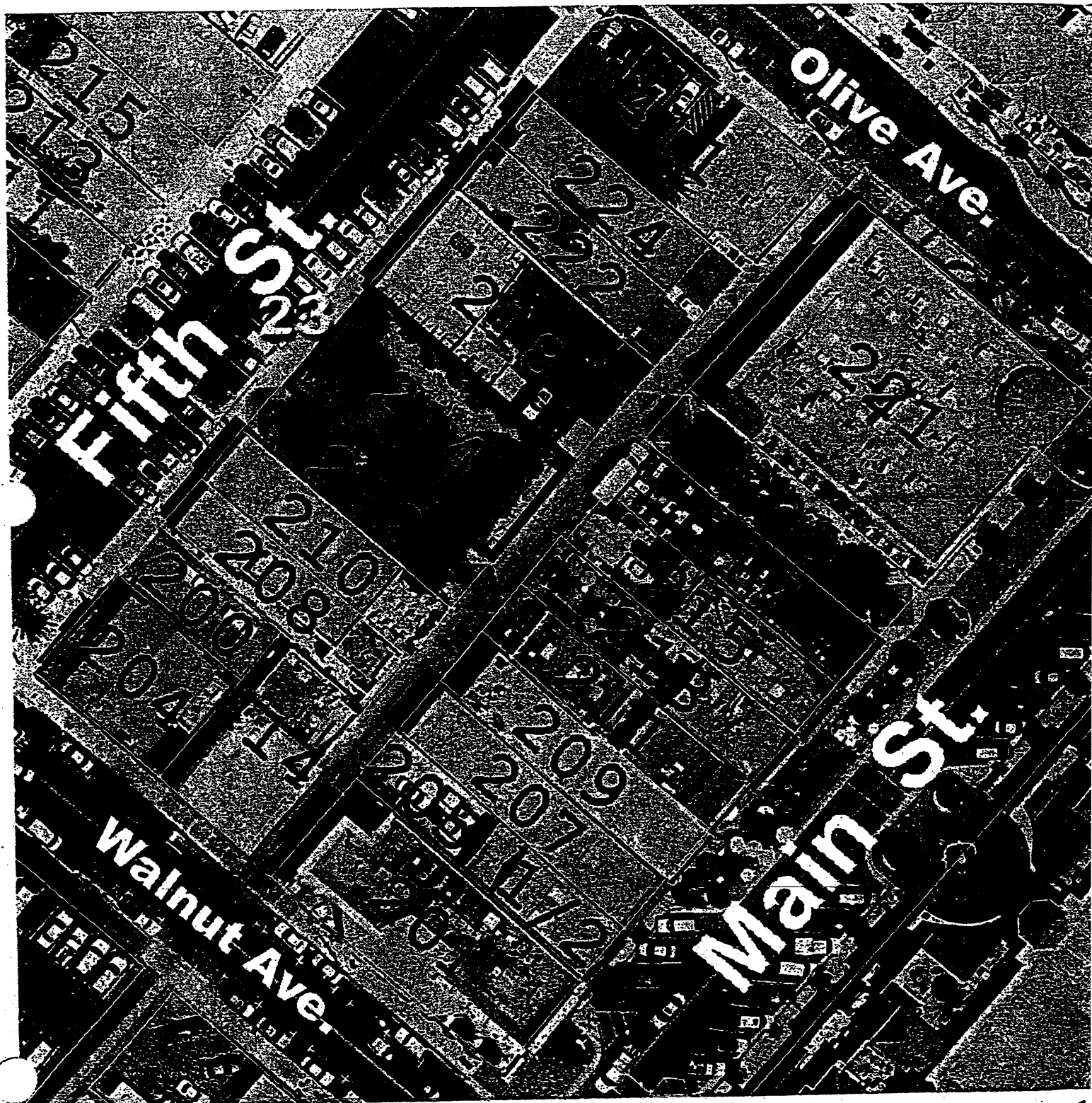


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ATTACHMENT NO. 4.45



F-646

ATTACHMENT NO. 4-46



F-6.47

ATTACHMENT NO. 4.47

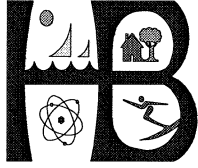


Orange Ave.

Walnut Ave

F-6.48

ATTACHMENT NO. 448



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: Chair and Planning Commission

VIA: Scott Hess, Director of Planning

FROM: Herb Fauland, Acting Planning Manager *HF BY RP*

SUBJECT: **FINDINGS**

DATE: April 26, 2007

Attached please find background information on findings for the discussion on the workshop topic. Staff will be providing an overview of the materials and will be available to answer questions on the subject.

ATTACHMENTS:

1. Chapter 11 (Necessity for Findings), Curtin's California's Land Use and Planning Law, 2005
2. Findings, Planning Commissioner's Handbook, 2004

ATTACHMENT #1

Necessity for Findings

Background

Land use decisions are frequently challenged in court. Accordingly, courts require an adequate "record" upon which to exercise judicial review, especially when the city is acting in an adjudicatory or nonlegislative role. This means that the documentation supporting an adjudicatory approval or denial of a project must include an explanation of how the city agency processed the evidence presented when reaching its decision. The courts want to see the method by which the city analyzed the facts and applied its policies in reaching a particular conclusion.

Courts require an adequate "record" upon which to exercise judicial review, especially when the city is acting in an adjudicatory or nonlegislative role.

The findings requirement applies equally to planning commissions, boards of zoning adjustment, design review commissions, and city councils when they act in a nonlegislative, adjudicatory role. Findings are also required for certain legislative acts, as explained below.

Topanga: The Cornerstone for Adjudicatory Findings Under Code Civ. Proc. § 1094.5

The California Supreme Court has set forth distinct, definitive principles of law detailing the need for adequate findings when a city approves or disapproves a project while making certain quasi-judicial, administrative decisions. See *Topanga Ass'n for a Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506 (1974). In *Topanga*, the Court interpreted Code of Civil Procedure section 1094.5,¹ which requires that certain adjudicatory decisions be supported by findings, and that the findings be supported by evidence. The Court found that a zoning board did not render findings adequate to support its ultimate ruling in granting a variance. The Court defined findings, explained their purposes, and showed when they are required.

The California Supreme Court has set forth distinct, definitive principles of law detailing the need for adequate findings when a city approves or disapproves a project while making certain quasi-judicial, administrative decisions.

Purpose of Findings

The *Topanga* court outlined five purposes for making findings: three relate to the decisionmaking process, two relate to judicial functions.

1. See chapter 21 (Land Use Litigation) for a discussion of the types of adjudicatory decisions to which section 1094.5 applies.

- To provide a framework for making principled decisions, thereby enhancing the integrity of the administrative process
- To facilitate orderly analysis and reduce the likelihood the city will leap randomly from evidence to conclusions
- To serve a public relations function by helping to persuade parties that administrative decisionmaking is careful, reasoned, and equitable
- To enable the parties to determine whether and on what basis they should seek judicial review and remedies
- To apprise the reviewing court of the basis for the city's decisions

Topanga Ass'n for a Scenic Community v. County of Los Angeles, 11 Cal.3d at 514

One court emphasized how important it is not only to prepare adequate findings, but to ensure that they are made easily available for a court to review. In *Protect Our Water v. County of Merced*, the court could not determine from the record what the county's findings were and whether they complied with CEQA. "The board of supervisors did appear to adopt [findings], but it is impossible to determine from this record what those findings are." The consequences were drastic: "Because we cannot discern the required findings under CEQA, we reverse the [county's approval]." *Protect Our Water v. County of Merced*, 110 Cal. App. 4th 362, 373 (2003). See chapter 21 (Land Use Litigation) for a discussion of preparation of an adequate record.

CEQA = California Environmental
Quality Act
EIR = Environmental
impact report

Evidence in the Record to Support Findings

There must be evidence in the record to support the findings. Evidence may consist of staff reports, written and oral testimony, the EIR, exhibits, and the like.

There must be evidence in the record to support the findings. Evidence may consist of staff reports, written and oral testimony, the EIR, exhibits, and the like. Findings are proper if they incorporate a staff report. See *McMillan v. American Gen. Fin. Corp.*, 60 Cal. App. 3d 175, 184 (1976). One court held that a summary of factual data, the language of a motion, and the reference in a motion to a staff report can constitute findings. However, the court made clear that the transcript of a council debate was not adequate. See *Pacifica Corp. v. City of Camarillo*, 149 Cal. App. 3d 168, 179 (1983). "The Council debate, although reflective of the views of individual councilmen, is not the equivalent of *Topanga* findings." *Id.*

The city's written findings are not the sole means by which Topanga requirements can be satisfied.

However, the city's "written findings" are not the sole means by which *Topanga* requirements can be satisfied. See *Harris v. City of Costa Mesa*, 25 Cal. App. 4th 963 (1994). The *Harris* court said that in addition to the findings stated in the city council resolution, it could look to the transcript of the hearing for findings contained in statements made by council members. The court further held that it is proper to look for findings in oral remarks made at a public hearing where both parties were present, which were recorded, and of which a written transcript could be made. *Id.* at 971. The court noted that opinions of neighbors may constitute substantial evidence, and that sufficient evidence can be found in presentations by neighbors seeking to deny a project. *Id.* at 973.

Relevant personal observations can be evidence. An adjacent property owner may testify to traffic conditions based upon personal knowledge. See *Citizens Ass'n for Sensible Dev. of Bishop Area v. County of Inyo*, 172 Cal. App. 3d 151, 173 (1985). Also, testimony at a public hearing describing various problems

posed by the proposed development, including increased flooding and traffic, security problems, and health and safety risks, can support a city's findings in denying a development plan. See *Lindborg/Dahl Investors, Inc. v. City of Garden Grove*, 179 Cal. App. 3d 956, 962-63 (1986); *Placer Ranch Partners v. County of Placer*, 91 Cal. App. 4th 1336, 1342 (2001) (holding that the opinion of area residents was an appropriate factor to consider in making zoning decisions, citing *Stubblefield Construction Co. v. City of San Bernardino*, 32 Cal. App. 4th 687, 711 (1995)). See also *Browning-Ferris Indus. v. City Council*, 181 Cal. App. 3d 852, 865 (1986) (allowing a city to rely upon staff's opinion in reaching decisions and recognizing this as constituting substantial evidence).

Findings must relate to the issue at hand. In striking down findings that were not legally sufficient to justify a variance, the court stated:

[D]ata focusing on the qualities of the property and project for which the variance is sought, the desirability of the proposed development, the attractiveness of its design, the benefits to the community, or the economic difficulties of developing the property in conformance with the zoning regulations, lack legal significance and are simply irrelevant to the controlling issue of whether strict application of zoning rules would prevent the would-be developer from utilizing his or her property to the same extent as other property owners in the same zoning district.

Orinda Ass'n v. Board of Supervisors, 182 Cal. App. 3d 1145, 1166 (1986)

Boilerplate or conclusory findings that do not recite the specific facts upon which the findings are based are not acceptable. See *Village Laguna, Inc. v. Board of Supervisors*, 134 Cal. App. 3d 1022, 1033-34 (1982). Similarly, a finding that was made "perfunctorily" and "without discussion or deliberation and thus does not show the Board's analytical route from evidence to finding will be struck down." *Honey Springs Homeowners Ass'n v. Board of Supervisors*, 157 Cal. App. 3d 1122, 1151 (1984).

For example, the City of Poway alleged that San Diego's findings on a land use project were insufficient under the *Village Laguna* standard. See *City of Poway v. City of San Diego*, 155 Cal. App. 3d 1037 (1984). The court disagreed and held that the City of San Diego's written findings, as dictated in the record, provided enough comprehensive information and factual discussion of the issues before the city. *Id.* at 1049. This comports with *Craik v. County of Santa Cruz*, in which the court stated that "findings need not be stated with judicial formality. Findings must simply expose the mode of analysis, not expose every minutia." 81 Cal. App. 4th 880 (2000).

Similar findings were also upheld in *Jacobson v. County of Los Angeles*, 69 Cal. App. 3d 374 (1977). In this case, the ordinance pertaining to conditional use permits required the zoning board to reach seven specific subconclusions and described these as the "findings" that must be made. *Id.* at 391 (citing *Topanga Ass'n for a Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506 (1974)). The court found these specific subconclusions sufficient.

In summary, there is no presumption that a city's rulings rest upon the necessary findings and that such findings are supported by substantial evidence. Rather, cities must expressly state their findings and must set forth the relevant facts supporting them. See *J.L. Thomas, Inc. v. County of Los Angeles*, 232 Cal. App. 3d 916, 926 (1991).

PRACTICE TIP

Conclusory findings are not acceptable under Code Civ. Proc. § 1094.5. The findings should refer to the specific evidence upon which they are based.

There is no presumption that a city's rulings rest upon the necessary findings and that such findings are supported by substantial evidence.

When Are Findings Required?

Legislative Acts

Findings are not required for legislative acts unless a statute or local ordinance so requires.

Findings are not required for legislative acts unless a statute or local ordinance so requires. See *Mountain Defense League v. Board of Supervisors*, 65 Cal. App. 3d 723, 732, fn.5 (1977). Thus, findings are generally not required on zoning ordinances since they are legislative in character. See *Ensign Bickford Realty Corp. v. City Council*, 68 Cal. App. 3d 467, 473 (1977); *Towards Responsibility in Planning v. City Council*, 200 Cal. App. 3d 671, 685 (1988) (summary of fiscal finding is not required in a general plan amendment or a rezoning).

Under certain circumstances, however, local ordinances or state law mandates findings for a legislative act. For example, state law requires findings when a general plan limits the number of newly constructed housing units (Gov't Code § 65302.8), when a local ordinance has an effect on the housing needs of a region (Gov't Code § 65863.6), or when a housing development project that complies with the applicable general plan and zoning is disapproved because it would have an adverse effect on public health or safety (Gov't Code § 65589.5(j)). See also *Mira Dev. Corp. v. City of San Diego*, 205 Cal. App. 3d 1201, 1222 (1988) (Government Code section 65589.5 does not require findings to support denial of a rezoning application, citing *Arnel Dev. Co. v. City of Costa Mesa*, 28 Cal. 3d 511, 522 (1980)). Findings are not required if the housing limitation is adopted by an initiative. See *Building Indus. Ass'n v. City of Camarillo*, 41 Cal. 3d 810, 823-24 (1986). The Mitigation Fee Act requires that certain determinations be made by the legislative body when it establishes or increases development impact fees. Gov't Code § 66001.

CEQA requires that certain findings be made whenever a project is approved and an EIR has been prepared that identifies significant impacts.

Other statutes require that certain determinations be made regardless of whether the decision at issue is adjudicatory or legislative. For example, CEQA requires that certain findings be made whenever a project is approved and an EIR has been prepared that identifies significant impacts. Pub. Res. Code § 21081. The Water Code requires, for certain large projects, that the city "shall determine, based on the entire record, whether projected water supplies will be sufficient to satisfy the demands of the project, in addition to existing and planned future uses." Water Code § 10911(c).

Nonlegislative Acts

The nonlegislative or quasi-judicial capacity usually involves applying a fixed rule, standard, or law to a specific parcel of land.

Findings are required when the city acts in its nonlegislative (quasi-judicial, adjudicatory or administrative role) as opposed to its legislative capacity. A city usually acts in its legislative capacity when it establishes a basic principle or policy, such as a general plan adoption or amendment, or a rezoning. See *Ensign Bickford*, 68 Cal. App. 3d at 474. The nonlegislative or quasi-judicial capacity usually involves applying a fixed rule, standard, or law to a specific parcel of land. Examples of such actions include granting or denying variances, use permits, subdivision applications, design review approvals, and the like. See chapter 21 (Land Use Litigation) for further details.

Dedications or Ad Hoc Impact Fees

In the landmark exaction case *Dolan v. City of Tigard*, the United States Supreme Court for the first time held that a city must prove that development conditions,

especially relating to dedications, placed on a discretionary permit have a "rough proportionality" to the development's impact. 512 U.S. 374, 391 (1994). If conditions are not roughly proportional, then a "taking" may occur. The city can meet its burden of proof by making appropriate findings based on the record and by quantifying its findings in support of the particular dedication. The city may not rely on conclusory statements that the dedication "could" offset the burden. This rule also is applicable when a city imposes a fee on an ad hoc basis not based on a generally applicable legislative enactment. See *Ehrlich v. City of Culver City*, 12 Cal. 4th 854 (1996). For a thorough discussion of *Dolan*, see chapter 12 (Takings) and chapter 13 (Exactions).

For excellent discussions on findings, see Governor's Office of Planning and Research, *Bridging the Gap: Using Findings in Local Land Use Decisions* (1989), available at www.ceres.ca.gov/planning/Bridging-Gap, and *Special Issues Under Takings Law: Findings, Fees and Dedications* (Institute for Local Self Government (1999).

A city must prove that development conditions, especially relating to dedications, placed on a discretionary permit have a "rough proportionality" to the development's impact.

ATTACHMENT #2

Sunday morning when there was no traffic, you might dismiss their claims as unwarranted. They may have just assumed you knew their concern was about congestion at peak travel times. Many local agencies require that you disclose any site visits that you may have made—along with any conclusions you drew from such visits—at the beginning of the hearing. Other agencies may take a more conservative approach. Always check with staff or the agency's attorney to see what procedures may apply to your commission.

- **Strong Personal Bias May Require Disqualification.** Strong personal bias may require that you disqualify yourself from making a decision. Procedural due process is built on the notion of an unbiased decision-maker. If you have spoken out for or against a specific project, you should consult with your agency's attorney to see if rules of common law bias require your disqualification. However, general predispositions—such as being generally concerned about the environment—are not enough to make disqualification necessary.⁹

Note that these rules generally apply only to quasi-judicial decisions. When you are making legislative decisions, such as adopting zoning ordinances, you have more freedom to gather your own information—such as by contacting members of the community and visiting sites—to help in making your decision.

MAKING A DECISION

The primary job of a planning commission is to make informed land use decisions. Reaching decisions that can be supported by a majority of the commission is often difficult and requires a well-structured meeting and discussion. The following tips may help in the decision-making process:

- Accept that you probably aren't going to make a project perfect.
- Remember that you have more choices than to simply approve or deny a project as presented. Be prepared to suggest changes that address a concern that you have or that was raised during public testimony. Be aware that the applicant may have already made changes to

the project prior to the hearing. Ask about any such changes.

- Establish time limits and review periods to ensure that the project is implemented as the commission has required.
- Check with staff to see if a suggested condition can be enforced.
- Carefully consider the nexus (connection) to the project of any condition you wish to place on it. Does the condition really address a problem that will result from the project?
- Be willing to approve a project in concept and give staff clear direction to work with the applicant to complete the project.
- Consider the relationship of the project to the entire community and to your understanding of the community's goals and policies.
- Draw the line on conditions. Too many can overburden a project. If a project requires too many conditions, should you really be approving it? Remember, it is okay to deny a project if you have good legal cause.

Depending upon local procedures, the commission's decision on a project may be: (1) referred to the city council or board of supervisors as a recommendation for action (this is common for general plan amendments and rezonings) or (2) considered a final action unless appealed to the council or board (this is common for subdivisions, variances, and use permits).

FINDINGS

Findings are written explanations of why—legally and factually—the planning commission made a particular decision. They map how the commission applied the evidence presented to reach its final conclusion. Findings should be developed with at least five audiences in mind: the general public, interested parties, the governing body, other governmental entities, and courts. Sometimes you may hear staff say that findings must “bridge the analytic gap.” This refers to a leading court decision that stated that findings must bridge the

⁹ See *Fairfield v. Superior Court*, 14 Cal. 3d 768 (1975); *BreakZone Billiards v. City of Torrance*, 81 Cal. App. 4th 1205, 1235-1241 (2000).



Questions Findings Should Answer

Findings should answer the following questions, as relevant to the particular decision:

1. Why was the regulation adopted or rejected?
2. Why was the permit approved or denied?
3. How does the decision meet relevant statutory requirements?
4. What is the connection between the action and the benefits of the project?
5. What public policy interests are advanced by the decision?
6. What do particular provisions, restrictions, or conditions mean?

analytic gap between the evidence presented and the agency's ultimate decision.¹⁰

Findings are helpful to the public. They offer an important opportunity to show how the commission's decision promotes the public's interests. In addition, findings:

- **Encourage Interagency Communication.** Findings can explain the basis of the commission's decision to the governing body.
- **Assure That Standards Are Met.** Some laws require that certain findings must be made before the commission can take a particular action.
- **Help Courts Interpret the Action.** Courts often look to the findings to determine the underlying rationale for an action or requirement. Findings provide the local agency with an opportunity to tell its side of the story.

Findings are always required when local agencies are acting in their quasi-judicial capacity¹¹—that is, when they are making decisions on individual permits.

Findings are also required for certain legislative decisions. It is often a good idea to develop findings even when they are not required, particularly for decisions that may be controversial or lead to litigation.

How findings are drafted will vary—and there is no perfect way to do it. Typically, the staff report includes a proposed set of findings that supports staff's recommendation. Proposed findings provide a starting point for the commission to develop the final set of findings. The drawback is that the commission may not adopt the recommended position, requiring the preparation of a new set of findings. Even if the commission adopts staff's position, the proposed findings may not reflect the entire record because they are usually written before any public testimony.

Some local agencies have tried to address this challenge in two ways. The first is to include two proposed sets of findings in the staff report, one in support of staff's position and one in support of the opposite position. This method, however, has its own drawbacks. In addition to creating more work for staff, the unused set of findings provides a starting point for anyone who wants to appeal the decision. Also, some members of the public find it hard to understand how the same set of facts can be used to support both positions.

The second and more common method is for the commission to make a tentative decision at the meeting and explain its reasoning to staff. Staff can then draft the findings and return them to the commission at the next meeting, where the decision can be finalized and the findings adopted. This approach is not always viable when time deadlines (such as those imposed by the Permit Streamlining Act) require a decision before the next meeting is scheduled to occur.

Regardless of how findings are drafted, there are always some instances when the commission will need to articulate its findings orally immediately upon taking action. The challenge in such a situation is to develop findings on the fly that are specific enough to withstand judicial review. The following four-step process will help in such situations:

¹⁰ *Topanga Association for a Scenic Community v. County of Los Angeles*, 11 Cal. 3d 506 (1974).

¹¹ *Id.*

- State the impact (either positive or negative) of the project
- Cite the source of the information (for example, a study, testimony, or other evidence)
- Refer to the relevant governing statute, regulation, or ordinance
- Describe in detail why or how the project's impact either meets or fails to meet the requirements included in the statute, regulation, or ordinance

One of the simplest techniques is to use the word "because." It connects the reasoning to the legal principle. For example:

- *"The project is inconsistent with Section III (A) of the housing element because only 3 percent of the units will be affordable instead of the required 15 percent."*
- *"The 100-foot-wide buffer does not threaten bird and wildlife migration because the biologist's report notes on page 32 that 65 feet is sufficient for each species in the project area."*

THE RECORD

A key aspect of quasi-judicial hearings is the administrative record. The record is the collection of all evidence presented to the commission during the proceeding. This includes all written documents, testimony, photographs, maps, and any other evidence that was submitted during the hearing. Your own personal knowledge may also be relied upon as long as you announce it during the hearing (see page 21).

The record can include any written documents in the files of the local agency. Always be careful about what documents that you submit to planning staff. There have been instances where things have made it into the record—such as e-mails—that later turned out to be embarrassing. It is always a good rule to keep your communications with staff and others professional, particularly when they are expressed in writing.

Another issue that comes up from time to time is the level of detail used to express particular opinions and positions in the commission minutes. Different agencies

have different forms of minutes—but it is difficult to ask the minute taker to take such detailed notes. Many agencies have solved this issue by taping the commission hearings.

APPEAL TO THE GOVERNING BODY

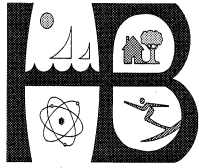
The process for appealing a planning commission decision will vary with each agency. Typically, commission decisions can be appealed to the governing body, which may overturn the commission's decision, adopt it, or modify it. In some instances, an applicant may request that only a specific portion of the commission's decision—such as a fee or mitigation condition—be reconsidered. Even in these cases, the governing body may decide to revisit the entire decision.



What Is in the Record

The information that is included in the record can vary with the proceeding, but typically includes:

- The application
- A description of the property or area at issue
- Correspondence between the applicant and staff
- The staff report
- Written comments submitted by others
- Oral evidence given at the public hearing (memorialized)
- Plats, plans, drawings, photographs, deeds, and surveys
- Consultant reports
- Written testimony
- Records of mailed and published notices
- Relevant portions of the general plan, any specific plans, the zoning ordinance, and other ordinances and policies



CITY OF HUNTINGTON BEACH

PLANNING COMMISSION COMMUNICATION

TO: Chair and Planning Commission

VIA: Scott Hess, Director of Planning

FROM: Herb Fauland, Acting Planning Manager *HF BY RR*

SUBJECT: **REVIEWING PLANS**

DATE: April 26, 2007

Attached please find background information on what to look for when reviewing plans for the discussion on the workshop topic. Staff will be providing an overview of the materials and will be available to answer questions on the subject.

ATTACHMENTS:

1. What to Look for When Reviewing Plans, Planner's Pocket Guide

WHAT TO LOOK FOR WHEN REVIEWING SITE PLANS

A. Review Procedure

1. Take a preliminary look at the plans. It is helpful to have wall-size drawings available at the commission meeting and, when possible, the staff report should contain reductions of these drawings.
2. Visit the site and check it against the plans.
3. Review the plans (with or without the staff report and recommendations).
4. Note areas of concern as well as positive features and possible conditions for approval.

B. What to Look at When Reviewing a Set of Plans

The following is a list of steps which, when followed, will give a reviewer a basic understanding of a project in a short amount of time.

1. Check the scale of the plans. Are they drawn at $1/4" = 1'0"$ or $1/8" = 1'0"$? A good way to get a sense of how large is a building or lot is to draw in a person next to a building or a car on the site plan.
2. Look at the contours -- both existing and proposed. Sections through the site should be required of projects which have slopes which exceed 5' in 100'. An outline of the building should be drawn in. How much grading is proposed? Make sure the finish floor elevations and parking lot finished grades are not so high that buffers such as landscaping are ineffective.

ATTACHMENT NO. 1.1

WHAT TO LOOK FOR WHEN REVIEWING SITE PLANS (Cont.)

3. Locate existing trees. Are they to be removed? Can and should they be saved?
4. Locate adjacent buildings -- both on- and off-site. Is there any relationship between them, e.g., pedestrian walks, window-to-window visual contact, noisy areas adjacent to quiet areas, shadows cast over plazas, etc.?
5. Check the circulation pattern of cars, delivery vehicles, pedestrians, and bicycles. Are there points of conflict, e.g., no walkways causing people to walk through traffic areas or between cars?
6. Locate the landscaped areas. Do they suit the climate, soften the building, break up the expansiveness of parking areas? Are the planters large enough to accommodate desirable amounts of landscaping?
7. Check the parking layout. Do aisles relate well to entry and exit points; is there a logical pattern for cars to follow; are tire stops provided and is there sufficient landscaping to screen the parking from view or to break up the sea of asphalt?
8. Are there any views from the site or of the site which should be preserved? Have they been preserved? (Remember to place yourself on the ground to make the analysis.)

WHAT TO LOOK FOR WHEN REVIEWING SITE PLANS (Cont.)

9. Are there any environmental concerns that the project should address, e.g., noise on- and off-site, drainage or flooding, traffic, energy conservation (note the location of windows and landscaping)?
10. What is likely to happen on adjacent undeveloped property?
11. If it is a phased project, make sure that the first phase will stand by itself because the next phase may never be constructed.

C. General Review Concerns

1. Compatibility to surrounding uses -- visual, acoustic, traffic, grading, etc.
2. Appropriateness of the design for the site -- style, height, color, exterior lighting, landscaping, etc.
3. Compatibility of the design and site plan to existing and future on- and off-site uses; (staging).
4. Internal circulation -- vehicular and pedestrian.
5. Amount, size and arrangement of the landscaping and open space.
6. Appropriate usage and retention of natural land forms and vegetation.

SITE PLAN CHECKLIST

PARKING

- Are the required number of spaces provided?
- Are parking spaces for handicapped people provided; are they conveniently located and appropriately signed?
- Do space dimensions meet standards?
- What is percentage of compact spaces?
- Are wheel stops provided to prevent overhang into landscape area?
- Are crash posts (if applicable) provided?
- What is the aisle width?
- Are major parking areas well-screened by earth mounding, landscaping or low walls?

LOADING

- Do the loading spaces meet size requirements?
- Is the number of spaces adequate?
- Is there adequate maneuvering area for truck deliveries?
- Does the location of loading areas assure ease of delivery service with minimal customer conflict and minimal effect to adjacent properties?

ELEVATIONS

- Massing of buildings, land forms and vegetation
- Bulk of building(s) -- scale and relationship to adjacent buildings
- Height of building(s) -- relative to themselves and adjacent developments
- Roof design -- does it add to the building and does it screen mechanical equipment?

SITE PLAN CHECKLIST (Cont.)

- Form of building -- is it consistent and interesting?
Look at the building as if you were standing (1) near it and (2) some distance away from it. Remember to check topographic characteristics of the area -- hills, valleys etc.
- Consistent style on all elevations
- Compatible use of materials, colors, roof lines, height of structures
- Relationship to adjacent structures
- Relationship to topography
- Integration of signing with building design
- Respect for climate and views
- Relationship to day and night use
- Emergency access and security
- Screening of electrical and mechanical equipment, trash areas and loading docks
- Noise generators -- are they adequately baffled?

BUILDING CROSS SECTION

- Is rooftop equipment screened (the parapet should adequately screen all equipment)?

SIGNING

- Has all signing been shown and is it well-integrated into design?
- Do signs conform to size, height, and setback restrictions?

SITE PLAN CHECKLIST (Cont.)

LIGHTING

- Are night-lights provided? Are they aesthetically pleasing and appropriately located?
- Are walkways properly lit for safety reasons?

NOISE

- Is an acoustical analysis required?
- Are construction plans required to be stamped by an acoustical engineer?

TRASH ENCLOSURES

- Is the location correct, with adequate circulation for public services access according to requirements?
- Is it screened adequately?

SETBACKS

- Is the site crowded -- too much paving and building with too little landscaping, space between buildings, etc.?
- Do exterior spaces recognize climate, topography, views, the type of activities that are to take place? Are the exterior spaces inviting and attractive?
- Are the setbacks sufficient?
- Uniformity vs. variety of spaces

ATTACHMENT NO. 7.6

SITE PLAN CHECKLIST (Cont.)

WALLS AND FENCES

- Are walls the correct height or is there a change in grade?
- Are walls in the correct location?
- Are correct materials (color, reveal lines, texture, sight-obscuring if required) used?
- Is there adequate screening of loading doors?
- Do walls provide an effective sound barrier?

VEHICULAR CIRCULATION

- Has the number of driveways onto adjacent streets been minimized?
- Are street access points coordinated with median openings and access points on the opposite side of the street?
- Are corner development driveways located on local or side streets rather than primary arterials?
- Are acceleration and deceleration lanes provided for major traffic generators on busy arterials?
- Are loading and servicing areas located to minimize traffic flow disruption?
- Are entry and exit points safe with good sight distance and adequate stack-up space?
- Is adequate police and fire truck access provided?

UTILITIES

Are these utilities adequately and appropriately planned?

- Sanitary sewer
- Storm drainage
- Electrical
- Phone
- Cable TV
- Water